

SECOND REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE NO. 2 FOR

**HOUSE BILL NOS. 1692, 1209, 1405,  
1499, 1535 & 1811**

**95TH GENERAL ASSEMBLY**

4506L.07C

D. ADAM CRUMBLISS, Chief Clerk

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**AN ACT**

To repeal sections 32.056, 58.370, 105.711, 193.087, 193.125, 193.255, 210.145, 210.150, 210.152, 211.031, 288.034, 301.146, 339.010, 339.020, 339.030, 339.040, 339.080, 339.110, 339.160, 339.170, 339.710, 452.377, 452.430, 454.425, 454.515, 454.548, 455.501, 476.083, 525.233, 537.296, 542.286, and 571.030, RSMo, and to enact in lieu thereof thirty-nine new sections relating to the justice system, with penalty provisions.

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

Section A. Sections 32.056, 58.370, 105.711, 193.087, 193.125, 193.255, 210.145, 210.150, 210.152, 211.031, 288.034, 301.146, 339.010, 339.020, 339.030, 339.040, 339.080, 339.110, 339.160, 339.170, 339.710, 452.377, 452.430, 454.425, 454.515, 454.548, 455.501, 476.083, 525.233, 537.296, 542.286, and 571.030, RSMo, are repealed and thirty-nine new sections enacted in lieu thereof, to be known as sections 32.056, 58.370, 105.711, 193.087, 193.125, 193.128, 193.132, 193.255, 210.145, 210.150, 210.152, 211.031, 288.034, 301.146, 306.532, 339.010, 339.020, 339.030, 339.040, 339.080, 339.110, 339.160, 339.170, 339.710, 339.845, 441.645, 452.377, 452.430, 454.425, 454.515, 454.548, 455.007, 455.501, 476.083, 525.233, 537.296, 542.286, 571.030, and 1, to read as follows:

32.056. The department of revenue shall not release the home address or any other information contained in the department's motor vehicle or driver registration records regarding any person, **and the immediate family members of any such person**, who is a county, state or federal parole officer or who is a federal pretrial officer or who is a peace officer pursuant to section [590.100, RSMo, or a member of the parole officer's, pretrial officer's or peace officer's immediate family] **590.010, or those persons vested by article V, section 1 of the Constitution**

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.

7 **of Missouri with the judicial power of the state and those persons vested by Article III of**  
8 **the Constitution of the United States with the judicial power of the United States, the**  
9 **members of the federal judiciary,** based on a specific request for such information from any  
10 person. Any person [who is a county, state or federal parole officer or who is a federal pretrial  
11 officer or who is a peace officer pursuant to section 590.100, RSMo,] **with a current status**  
12 **covered by this section** may notify the department of such status and the department shall  
13 protect the confidentiality of the records on such a person and his or her immediate family as  
14 required by this section. This section shall not prohibit the department from releasing  
15 information on a motor registration list pursuant to section 32.055 or from releasing information  
16 on any officer who holds a class A, B or C commercial driver's license pursuant to the Motor  
17 Carrier Safety Improvement Act of 1999, as amended, 49 U.S.C. 31309.

58.370. The coroner, upon an inquisition found before him of the death of any person  
2 by the felony of another, shall speedily inform [one or more associate circuit judges] **the**  
3 **prosecuting attorney** of the proper county[, or some judge or justice of some court of record,  
4 and it shall be the duty of such officer forthwith to issue his process for the apprehension and  
5 securing for trial of such person] **of the result of the inquisition.**

105.711. 1. There is hereby created a "State Legal Expense Fund" which shall consist  
2 of moneys appropriated to the fund by the general assembly and moneys otherwise credited to  
3 such fund pursuant to section 105.716.

4 2. Moneys in the state legal expense fund shall be available for the payment of any claim  
5 or any amount required by any final judgment rendered by a court of competent jurisdiction  
6 against:

7 (1) The state of Missouri, or any agency of the state, pursuant to section 536.050 or  
8 536.087, RSMo, or section 537.600, RSMo;

9 (2) Any officer or employee of the state of Missouri or any agency of the state, including,  
10 without limitation, elected officials, appointees, members of state boards or commissions, and  
11 members of the Missouri national guard upon conduct of such officer or employee arising out  
12 of and performed in connection with his or her official duties on behalf of the state, or any  
13 agency of the state, provided that moneys in this fund shall not be available for payment of  
14 claims made under chapter 287, RSMo;

15 (3) (a) Any physician, psychiatrist, pharmacist, podiatrist, dentist, nurse, or other health  
16 care provider licensed to practice in Missouri under the provisions of chapter 330, 332, 334, 335,  
17 336, 337 or 338, RSMo, who is employed by the state of Missouri or any agency of the state  
18 under formal contract to conduct disability reviews on behalf of the department of elementary  
19 and secondary education or provide services to patients or inmates of state correctional facilities  
20 on a part-time basis, and any physician, psychiatrist, pharmacist, podiatrist, dentist, nurse, or

21 other health care provider licensed to practice in Missouri under the provisions of chapter 330,  
22 332, 334, 335, 336, 337, or 338, RSMo, who is under formal contract to provide services to  
23 patients or inmates at a county jail on a part-time basis;

24 (b) Any physician licensed to practice medicine in Missouri under the provisions of  
25 chapter 334, RSMo, and his professional corporation organized pursuant to chapter 356, RSMo,  
26 who is employed by or under contract with a city or county health department organized under  
27 chapter 192, RSMo, or chapter 205, RSMo, or a city health department operating under a city  
28 charter, or a combined city-county health department to provide services to patients for medical  
29 care caused by pregnancy, delivery, and child care, if such medical services are provided by the  
30 physician pursuant to the contract without compensation or the physician is paid from no other  
31 source than a governmental agency except for patient co-payments required by federal or state  
32 law or local ordinance;

33 (c) Any physician licensed to practice medicine in Missouri under the provisions of  
34 chapter 334, RSMo, who is employed by or under contract with a federally funded community  
35 health center organized under Section 315, 329, 330 or 340 of the Public Health Services Act (42  
36 U.S.C. 216, 254c) to provide services to patients for medical care caused by pregnancy, delivery,  
37 and child care, if such medical services are provided by the physician pursuant to the contract  
38 or employment agreement without compensation or the physician is paid from no other source  
39 than a governmental agency or such a federally funded community health center except for  
40 patient co-payments required by federal or state law or local ordinance. In the case of any claim  
41 or judgment that arises under this paragraph, the aggregate of payments from the state legal  
42 expense fund shall be limited to a maximum of one million dollars for all claims arising out of  
43 and judgments based upon the same act or acts alleged in a single cause against any such  
44 physician, and shall not exceed one million dollars for any one claimant;

45 (d) Any physician licensed pursuant to chapter 334, RSMo, who is affiliated with and  
46 receives no compensation from a nonprofit entity qualified as exempt from federal taxation under  
47 Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, which offers a free health  
48 screening in any setting or any physician, nurse, physician assistant, dental hygienist, dentist, or  
49 other health care professional licensed or registered under chapter 330, 331, 332, 334, 335, 336,  
50 337, or 338, RSMo, who provides health care services within the scope of his or her license or  
51 registration at a city or county health department organized under chapter 192, RSMo, or chapter  
52 205, RSMo, a city health department operating under a city charter, or a combined city-county  
53 health department, or a nonprofit community health center qualified as exempt from federal  
54 taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, if such  
55 services are restricted to primary care and preventive health services, provided that such services  
56 shall not include the performance of an abortion, and if such health services are provided by the

57 health care professional licensed or registered under chapter 330, 331, 332, 334, 335, 336, 337,  
58 or 338, RSMo, without compensation. MO HealthNet or Medicare payments for primary care  
59 and preventive health services provided by a health care professional licensed or registered under  
60 chapter 330, 331, 332, 334, 335, 336, 337, or 338, RSMo, who volunteers at a free health clinic  
61 is not compensation for the purpose of this section if the total payment is assigned to the free  
62 health clinic. For the purposes of the section, "free health clinic" means a nonprofit community  
63 health center qualified as exempt from federal taxation under Section 501 (c)(3) of the Internal  
64 Revenue Code of 1987, as amended, that provides primary care and preventive health services  
65 to people without health insurance coverage for the services provided without charge. In the case  
66 of any claim or judgment that arises under this paragraph, the aggregate of payments from the  
67 state legal expense fund shall be limited to a maximum of five hundred thousand dollars, for all  
68 claims arising out of and judgments based upon the same act or acts alleged in a single cause and  
69 shall not exceed five hundred thousand dollars for any one claimant, and insurance policies  
70 purchased pursuant to the provisions of section 105.721 shall be limited to five hundred thousand  
71 dollars. Liability or malpractice insurance obtained and maintained in force by or on behalf of  
72 any health care professional licensed or registered under chapter 330, 331, 332, 334, 335, 336,  
73 337, or 338, RSMo, shall not be considered available to pay that portion of a judgment or claim  
74 for which the state legal expense fund is liable under this paragraph;

75 (e) Any physician, nurse, physician assistant, dental hygienist, or dentist licensed or  
76 registered to practice medicine, nursing, or dentistry or to act as a physician assistant or dental  
77 hygienist in Missouri under the provisions of chapter 332, 334, or 335, RSMo, or lawfully  
78 practicing, who provides medical, nursing, or dental treatment within the scope of his license or  
79 registration to students of a school whether a public, private, or parochial elementary or  
80 secondary school or summer camp, if such physician's treatment is restricted to primary care and  
81 preventive health services and if such medical, dental, or nursing services are provided by the  
82 physician, dentist, physician assistant, dental hygienist, or nurse without compensation. In the  
83 case of any claim or judgment that arises under this paragraph, the aggregate of payments from  
84 the state legal expense fund shall be limited to a maximum of five hundred thousand dollars, for  
85 all claims arising out of and judgments based upon the same act or acts alleged in a single cause  
86 and shall not exceed five hundred thousand dollars for any one claimant, and insurance policies  
87 purchased pursuant to the provisions of section 105.721 shall be limited to five hundred thousand  
88 dollars. **As used in this paragraph, "summer camp" means a program operated only**  
89 **between May and September by a person or organization with the primary function of**  
90 **providing a summer recreational program for children no younger than five years of age**  
91 **or older than eighteen years of age; or**

92 (f) Any physician licensed under chapter 334, RSMo, or dentist licensed under chapter  
93 332, RSMo, providing medical care without compensation to an individual referred to his or her  
94 care by a city or county health department organized under chapter 192 or 205, RSMo, a city  
95 health department operating under a city charter, or a combined city-county health department,  
96 or nonprofit health center qualified as exempt from federal taxation under Section 501(c)(3) of  
97 the Internal Revenue Code of 1986, as amended, or a federally funded community health center  
98 organized under Section 315, 329, 330, or 340 of the Public Health Services Act, 42 U.S.C.  
99 Section 216, 254c; provided that such treatment shall not include the performance of an abortion.  
100 In the case of any claim or judgment that arises under this paragraph, the aggregate of payments  
101 from the state legal expense fund shall be limited to a maximum of one million dollars for all  
102 claims arising out of and judgments based upon the same act or acts alleged in a single cause and  
103 shall not exceed one million dollars for any one claimant, and insurance policies purchased under  
104 the provisions of section 105.721 shall be limited to one million dollars. Liability or malpractice  
105 insurance obtained and maintained in force by or on behalf of any physician licensed under  
106 chapter 334, RSMo, or any dentist licensed under chapter 332, RSMo, shall not be considered  
107 available to pay that portion of a judgment or claim for which the state legal expense fund is  
108 liable under this paragraph;

109 (4) Staff employed by the juvenile division of any judicial circuit;

110 (5) Any attorney licensed to practice law in the state of Missouri who practices law at  
111 or through a nonprofit community social services center qualified as exempt from federal  
112 taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, or through  
113 any agency of any federal, state, or local government, if such legal practice is provided by the  
114 attorney without compensation. In the case of any claim or judgment that arises under this  
115 subdivision, the aggregate of payments from the state legal expense fund shall be limited to a  
116 maximum of five hundred thousand dollars for all claims arising out of and judgments based  
117 upon the same act or acts alleged in a single cause and shall not exceed five hundred thousand  
118 dollars for any one claimant, and insurance policies purchased pursuant to the provisions of  
119 section 105.721 shall be limited to five hundred thousand dollars; or

120 (6) Any social welfare board created under section 205.770, RSMo, and the members  
121 and officers thereof upon conduct of such officer or employee while acting in his or her capacity  
122 as a board member or officer, and any physician, nurse, physician assistant, dental hygienist,  
123 dentist, or other health care professional licensed or registered under chapter 330, 331, 332, 334,  
124 335, 336, 337, or 338, RSMo, who is referred to provide medical care without compensation by  
125 the board and who provides health care services within the scope of his or her license or  
126 registration as prescribed by the board.

127           3. The department of health and senior services shall promulgate rules regarding contract  
128 procedures and the documentation of care provided under paragraphs (b), (c), (d), (e), and (f) of  
129 subdivision (3) of subsection 2 of this section. The limitation on payments from the state legal  
130 expense fund or any policy of insurance procured pursuant to the provisions of section 105.721,  
131 provided in subsection 7 of this section, shall not apply to any claim or judgment arising under  
132 paragraph (a), (b), (c), (d), (e), or (f) of subdivision (3) of subsection 2 of this section. Any claim  
133 or judgment arising under paragraph (a), (b), (c), (d), (e), or (f) of subdivision (3) of subsection  
134 2 of this section shall be paid by the state legal expense fund or any policy of insurance procured  
135 pursuant to section 105.721, to the extent damages are allowed under sections 538.205 to  
136 538.235, RSMo. Liability or malpractice insurance obtained and maintained in force by any  
137 health care professional licensed or registered under chapter 330, 331, 332, 334, 335, 336, 337,  
138 or 338, RSMo, for coverage concerning his or her private practice and assets shall not be  
139 considered available under subsection 7 of this section to pay that portion of a judgment or claim  
140 for which the state legal expense fund is liable under paragraph (a), (b), (c), (d), (e), or (f) of  
141 subdivision (3) of subsection 2 of this section. However, a health care professional licensed or  
142 registered under chapter 330, 331, 332, 334, 335, 336, 337, or 338, RSMo, may purchase liability  
143 or malpractice insurance for coverage of liability claims or judgments based upon care rendered  
144 under paragraphs (c), (d), (e), and (f) of subdivision (3) of subsection 2 of this section which  
145 exceed the amount of liability coverage provided by the state legal expense fund under those  
146 paragraphs. Even if paragraph (a), (b), (c), (d), (e), or (f) of subdivision (3) of subsection 2 of  
147 this section is repealed or modified, the state legal expense fund shall be available for damages  
148 which occur while the pertinent paragraph (a), (b), (c), (d), (e), or (f) of subdivision (3) of  
149 subsection 2 of this section is in effect.

150           4. The attorney general shall promulgate rules regarding contract procedures and the  
151 documentation of legal practice provided under subdivision (5) of subsection 2 of this section.  
152 The limitation on payments from the state legal expense fund or any policy of insurance  
153 procured pursuant to section 105.721 as provided in subsection 7 of this section shall not apply  
154 to any claim or judgment arising under subdivision (5) of subsection 2 of this section. Any claim  
155 or judgment arising under subdivision (5) of subsection 2 of this section shall be paid by the state  
156 legal expense fund or any policy of insurance procured pursuant to section 105.721 to the extent  
157 damages are allowed under sections 538.205 to 538.235, RSMo. Liability or malpractice  
158 insurance otherwise obtained and maintained in force shall not be considered available under  
159 subsection 7 of this section to pay that portion of a judgment or claim for which the state legal  
160 expense fund is liable under subdivision (5) of subsection 2 of this section. However, an  
161 attorney may obtain liability or malpractice insurance for coverage of liability claims or  
162 judgments based upon legal practice rendered under subdivision (5) of subsection 2 of this

163 section that exceed the amount of liability coverage provided by the state legal expense fund  
164 under subdivision (5) of subsection 2 of this section. Even if subdivision (5) of subsection 2 of  
165 this section is repealed or amended, the state legal expense fund shall be available for damages  
166 that occur while the pertinent subdivision (5) of subsection 2 of this section is in effect.

167         5. All payments shall be made from the state legal expense fund by the commissioner  
168 of administration with the approval of the attorney general. Payment from the state legal expense  
169 fund of a claim or final judgment award against a health care professional licensed or registered  
170 under chapter 330, 331, 332, 334, 335, 336, 337, or 338, RSMo, described in paragraph (a), (b),  
171 (c), (d), (e), or (f) of subdivision (3) of subsection 2 of this section, or against an attorney in  
172 subdivision (5) of subsection 2 of this section, shall only be made for services rendered in  
173 accordance with the conditions of such paragraphs. In the case of any claim or judgment against  
174 an officer or employee of the state or any agency of the state based upon conduct of such officer  
175 or employee arising out of and performed in connection with his or her official duties on behalf  
176 of the state or any agency of the state that would give rise to a cause of action under section  
177 537.600, RSMo, the state legal expense fund shall be liable, excluding punitive damages, for:

178         (1) Economic damages to any one claimant; and

179         (2) Up to three hundred fifty thousand dollars for noneconomic damages. The state legal  
180 expense fund shall be the exclusive remedy and shall preclude any other civil actions or  
181 proceedings for money damages arising out of or relating to the same subject matter against the  
182 state officer or employee, or the officer's or employee's estate. No officer or employee of the  
183 state or any agency of the state shall be individually liable in his or her personal capacity for  
184 conduct of such officer or employee arising out of and performed in connection with his or her  
185 official duties on behalf of the state or any agency of the state. The provisions of this subsection  
186 shall not apply to any defendant who is not an officer or employee of the state or any agency of  
187 the state in any proceeding against an officer or employee of the state or any agency of the state.  
188 Nothing in this subsection shall limit the rights and remedies otherwise available to a claimant  
189 under state law or common law in proceedings where one or more defendants is not an officer  
190 or employee of the state or any agency of the state.

191         6. The limitation on awards for noneconomic damages provided for in this subsection  
192 shall be increased or decreased on an annual basis effective January first of each year in  
193 accordance with the Implicit Price Deflator for Personal Consumption Expenditures as published  
194 by the Bureau of Economic Analysis of the United States Department of Commerce. The current  
195 value of the limitation shall be calculated by the director of the department of insurance, financial  
196 institutions and professional registration, who shall furnish that value to the secretary of state,  
197 who shall publish such value in the Missouri Register as soon after each January first as  
198 practicable, but it shall otherwise be exempt from the provisions of section 536.021, RSMo.

199           7. Except as provided in subsection 3 of this section, in the case of any claim or  
200 judgment that arises under sections 537.600 and 537.610, RSMo, against the state of Missouri,  
201 or an agency of the state, the aggregate of payments from the state legal expense fund and from  
202 any policy of insurance procured pursuant to the provisions of section 105.721 shall not exceed  
203 the limits of liability as provided in sections 537.600 to 537.610, RSMo. No payment shall be  
204 made from the state legal expense fund or any policy of insurance procured with state funds  
205 pursuant to section 105.721 unless and until the benefits provided to pay the claim by any other  
206 policy of liability insurance have been exhausted.

207           8. The provisions of section 33.080, RSMo, notwithstanding, any moneys remaining to  
208 the credit of the state legal expense fund at the end of an appropriation period shall not be  
209 transferred to general revenue.

210           9. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that  
211 is promulgated under the authority delegated in sections 105.711 to 105.726 shall become  
212 effective only if it has been promulgated pursuant to the provisions of chapter 536, RSMo.  
213 Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or  
214 adopted prior to August 28, 1999, if it fully complied with the provisions of chapter 536, RSMo.  
215 This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the  
216 general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to  
217 disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking  
218 authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void.

193.087. 1. In addition to the requirements of subsection 2 of section 193.085, when a  
2 birth occurs to an unmarried mother, whether in an institution or en route to an institution, the  
3 person in charge of the institution or a designated representative shall:

4           (1) Provide a form or affidavit prescribed by the state registrar that may be completed  
5 by the child's mother and father to voluntarily acknowledge paternity of the child pursuant to  
6 section 193.215;

7           (2) File the form, when completed, along with the certificate required by this section.  
8 **Such completed form for the voluntary acknowledgment of paternity is not a public**  
9 **record; except that, a copy of such voluntary acknowledgment of paternity shall, upon**  
10 **request, be made available to the child's mother, the father listed on the child's birth**  
11 **record, the attorney representing such mother or father, the child, the guardian ad litem,**  
12 **and the child's attorney and the state and federal government for child support purposes.**  
13 **Upon payment of the fee established by rule by the department under section 454.455,**  
14 **RSMo, a copy of such voluntary acknowledgment of paternity shall be provided by the**  
15 **state registrar to the child's mother, the father listed on the child's birth record, the**



16 **attorney representing such mother or alleged father, the child, the guardian ad litem, and**  
17 **the child's attorney;** and

18 (3) Provide oral and written notice to the affiant required by section 193.215.

19 2. Any institution, the person in charge or a designated representative shall be immune  
20 from civil or criminal liability for providing the form or affidavit required by subsection 1 of this  
21 section, the information developed pursuant to that subsection, or otherwise fulfilling the duties  
22 required by subsection 1 of this section.

23 3. The family support division may contract with the department of health and senior  
24 services to provide assistance and training to the hospital staff assigned responsibility for  
25 providing the information, as appropriate, to carry out duties pursuant to this section. The family  
26 support division shall develop and distribute free of charge the information on the rights and  
27 responsibilities of parents that is required to be distributed pursuant to this section. The  
28 department of health and senior services shall provide free of charge to hospitals the  
29 acknowledgment of paternity affidavit, and instructions on the completion of the affidavit.

30 4. If no contract is developed with the department of health and senior services, then the  
31 family support division shall provide the assistance and training activities to hospitals pursuant  
32 to subsection 3 of this section.

33 5. Any affiant who intentionally misidentifies another person as a parent may be  
34 prosecuted for perjury, pursuant to section 575.040, RSMo.

35 6. Due to lack of cooperation by public assistance recipients, the family support division  
36 shall either suspend the entire public assistance cash grant, or remove the needs of the adult  
37 recipient of public assistance from the cash grant, subject to good cause exceptions pursuant to  
38 federal law or regulations.

193.125. 1. This section shall be known and may be cited as the "Debbi Daniel Law".

2 2. Except as otherwise provided in subsection 3 of this section, for each adoption  
3 decreed by a court of competent jurisdiction in this state, the court shall require the preparation  
4 of a certificate of decree of adoption on a form as prescribed or approved by the state registrar.  
5 The certificate of decree of adoption shall include such facts as are necessary to locate and  
6 identify the certificate of birth of the person adopted, and shall provide information necessary  
7 to establish a new certificate of birth of the person adopted and shall identify the court and  
8 county of the adoption and be certified by the clerk of the court. The state registrar shall file the  
9 original certificate of birth with the certificate of decree of adoption and such file may be opened  
10 by the state registrar only upon receipt of a certified copy of an order as decreed by the court of  
11 **adoption or in accordance with section 193.128.**

12 3. No new certificate of birth shall be established following an adoption by a stepparent  
13 if so requested by the adoptive parent or the adoptive stepparent of the child.

14           4. Information necessary to prepare the report of adoption shall be furnished by each  
15 petitioner for adoption or the petitioner's attorney. The social welfare agency or any person  
16 having knowledge of the facts shall supply the court with such additional information as may be  
17 necessary to complete the report. The provision of such information shall be prerequisite to the  
18 issuance of a final decree in the matter by the court.

19           5. Whenever an adoption decree is amended or annulled, the clerk of the court shall  
20 prepare a report thereof, which shall include such facts as are necessary to identify the original  
21 adoption report and the facts amended in the adoption decree as shall be necessary to properly  
22 amend the birth record.

23           6. Not later than the fifteenth day of each calendar month or more frequently as directed  
24 by the state registrar the clerk of the court shall forward to the state registrar reports of decrees  
25 of adoption, annulment of adoption and amendments of decrees of adoption which were entered  
26 in the preceding month, together with such related reports as the state registrar shall require.

27           7. When the state registrar shall receive a report of adoption, annulment of adoption, or  
28 amendment of a decree of adoption for a person born outside this state, he or she shall forward  
29 such report to the state registrar in the state of birth.

30           8. In a case of adoption in this state of a person not born in any state, territory or  
31 possession of the United States or country not covered by interchange agreements, the state  
32 registrar shall upon receipt of the certificate of decree of adoption prepare a birth certificate in  
33 the name of the adopted person, as decreed by the court. The state registrar shall file the  
34 certificate of the decree of adoption, and such documents may be opened by the state registrar  
35 only by an order of court. The birth certificate prepared under this subsection shall have the  
36 same legal weight as evidence as a delayed or altered birth certificate as provided in section  
37 193.235.

38           9. The department, upon receipt of proof that a person has been adopted by a Missouri  
39 resident pursuant to laws of countries other than the United States, shall prepare a birth  
40 certificate in the name of the adopted person as decreed by the court of such country. If such  
41 proof contains the surname of either adoptive parent, the department of health and senior services  
42 shall prepare a birth certificate as requested by the adoptive parents. Any subsequent change of  
43 the name of the adopted person shall be made by a court of competent jurisdiction. The proof  
44 of adoption required by the department shall include a copy of the original birth certificate and  
45 adoption decree, an English translation of such birth certificate and adoption decree, and a copy  
46 of the approval of the immigration of the adopted person by the Immigration and Naturalization  
47 Service of the United States government which shows the child lawfully entered the United  
48 States. The authenticity of the translation of the birth certificate and adoption decree required  
49 by this subsection shall be sworn to by the translator in a notarized document. The state registrar

50 shall file such documents received by the department relating to such adoption and such  
51 documents may be opened by the state registrar only by an order of a court. A birth certificate  
52 pursuant to this subsection shall be issued upon request of one of the adoptive parents of such  
53 adopted person or upon request of the adopted person if of legal age. The birth certificate  
54 prepared pursuant to the provisions of this subsection shall have the same legal weight as  
55 evidence as a delayed or altered birth certificate as provided in sections 193.005 to 193.325.

56 10. If no certificate of birth is on file for the person under twelve years of age who has  
57 been adopted, a belated certificate of birth shall be filed with the state registrar as provided in  
58 sections 193.005 to 193.325 before a new birth record is to be established as result of adoption.  
59 A new certificate is to be established on the basis of the adoption under this section and shall be  
60 prepared on a certificate of live birth form.

61 11. If no certificate of birth has been filed for a person twelve years of age or older who  
62 has been adopted, a new birth certificate is to be established under this section upon receipt of  
63 proof of adoption as required by the department. A new certificate shall be prepared in the name  
64 of the adopted person as decreed by the court, registering adopted parents' names. The new  
65 certificate shall be prepared on a delayed birth certificate form. The adoption decree is placed  
66 in a sealed file and shall not be subject to inspection except upon an order of the court.

**193.128. 1. Notwithstanding any other provision of law, an adopted person, the  
2 adopted person's attorney, or the adopted person's descendants, if the adopted person is  
3 deceased, may obtain a copy of such adopted person's original certificate of birth from the  
4 state registrar in accordance with this section.**

**5 2. In order for an adopted person to receive a copy of his or her original certificate  
6 of birth, the adopted person shall:**

**7 (1) Be at least eighteen years of age;**

**8 (2) Have been born in this state;**

**9 (3) File a written application with and provide appropriate proof of identification  
10 to the state registrar; and**

**11 (4) If included with the copy of the original birth certificate, agree in writing to  
12 abide by the birth parent's preference stated in the contact preference form attached to the  
13 adopted person's original birth certificate in accordance with section 193.132.**

**14 3. The state registrar may require a waiting period and impose a fee for issuance  
15 of the uncertified copy under subsection 4 of this section. The fees and waiting period  
16 imposed under this subsection shall be identical to the fees and waiting period generally  
17 imposed on persons seeking their own birth certificates.**

**18 4. Upon receipt of a written application and proof of identification under  
19 subsection 2 of this section and fulfillment of the requirements of subsection 3 of this**

20 section, the state registrar shall issue an uncertified copy of the unaltered original birth  
21 certificate to the applicant. The copy of the birth certificate shall have the following  
22 statement printed on it: "for informational purposes only - not to be used for establishing  
23 identity". If a contact preference and medical history form has been completed and  
24 submitted to the state registrar under section 193.132, the state registrar shall also provide  
25 such information.

26       5. The provisions of subsections 1 to 4 of this section shall not apply to adoptions  
27 instituted or completed prior to August 28, 2010, except that a copy of a medical history  
28 form, which has had all identifying information redacted, shall be issued to such adopted  
29 person. For adoptions instituted or completed prior to August 28, 2010, the state registrar  
30 shall follow the provisions of this subsection and shall release the original certificate of  
31 birth only if the birth mother is deceased. If the birth mother is not deceased, the state  
32 registrar shall, within three months of application by the adopted person, make reasonable  
33 efforts to contact the birth mother via telephone or United States mail, personally and  
34 confidentially, to obtain the birth mother's consent or denial to release the original  
35 certificate of birth. The state registrar may charge actual costs to the adopted person for  
36 the cost of making such search of the birth mother. If the state registrar has been unable  
37 to contact the birth mother within three months, the state registrar shall not release the  
38 certificate of birth. The adopted person may reapply for a copy of his or her original  
39 certificate of birth within one year from the end of the three-month period during which  
40 the attempted contact with the birth mother was previously made. The state registrar shall  
41 not release the certificate of birth until the birth mother submits a subsequent written  
42 consent for release.

43       6. The state registrar shall develop by rule the application form required by this  
44 section and may adopt other rules for the administration of this section. Any rule or  
45 portion of a rule, as that term is defined in section 536.010, that is created under the  
46 authority delegated in this section shall become effective only if it complies with and is  
47 subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This  
48 section and chapter 536, are nonseverable and if any of the powers vested with the general  
49 assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove  
50 and annul a rule are subsequently held unconstitutional, then the grant of rulemaking  
51 authority and any rule proposed or adopted after August 28, 2010, shall be invalid and  
52 void.

53       7. Nothing in this section shall be construed as violating the provisions of section  
54 453.121.

193.132. 1. As used in this section, the following terms mean:

- 2           (1) "Adoptee", the person who is the subject of a birth certificate;
- 3           (2) "Birth parent", the person who is the biological parent of an adoptee and who
- 4 is named as the parent on the original birth certificate of the adoptee;
- 5           (3) "Contact preference form", the form developed by the state registrar under
- 6 subsection 4 of this section;
- 7           (4) "Medical history form", the form developed by the state registrar under
- 8 subsection 3 of this section. At a minimum, such form shall include medical history
- 9 information regarding:
- 10           (a) Congenital or genetic history;
- 11           (b) Psychosocial history;
- 12           (c) Chronic diseases;
- 13           (d) Infectious diseases;
- 14           (e) Allergies;
- 15           (f) Pregnancy and birth history; and
- 16           (g) Deaths of birth family members that may affect the medical history.
- 17           2. Notwithstanding any other provision of law, the state registrar shall develop and,
- 18 upon request, provide each birth parent with a contact preference form and a medical
- 19 history form as described in this section.
- 20           3. A birth parent may use a medical history form to describe his or her medical
- 21 history. A birth parent shall fill out a medical history form if such birth parent also fills
- 22 out a contact preference form.
- 23           4. The birth parent may state a preference regarding contact by an adoptee on a
- 24 contact preference form. The form shall contain the following statements from which the
- 25 birth parent may choose only one:
- 26           (1) "I would like to be contacted. I have completed this contact preference form
- 27 and a medical history form and am filing both forms with the State Registrar.";
- 28           (2) "I would prefer to be contacted only through an intermediary. I have completed
- 29 this contact preference form and a medical history form and am filing both with the State
- 30 Registrar."; or
- 31           (3) "Do not contact me. I may change this preference by filling out another contact
- 32 preference form. I have completed this contact preference form and a medical history
- 33 form and am filing both with the State Registrar.".
- 34           5. Upon receipt of a completed contact preference form and a medical history form,
- 35 the state registrar shall attach the completed forms to the original birth certificate of the
- 36 adoptee. A completed contact preference form and medical history form shall have the
- 37 same level of confidentiality as the original birth certificate.

38           **6. The state registrar shall develop by rule the forms required by this section and**  
39 **may adopt other rules for the administration of this section. Any rule or portion of a rule,**  
40 **as that term is defined in section 536.010, that is created under the authority delegated in**  
41 **this section shall become effective only if it complies with and is subject to all of the**  
42 **provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536,**  
43 **are nonseverable and if any of the powers vested with the general assembly pursuant to**  
44 **chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are**  
45 **subsequently held unconstitutional, then the grant of rulemaking authority and any rule**  
46 **proposed or adopted after August 28, 2010, shall be invalid and void.**

47           **7. Nothing in this section shall be construed as violating the provisions of section**  
48 **453.121.**

          193.255. 1. The state registrar and other custodians of vital records authorized by the  
2 state registrar to issue certified copies of vital records upon receipt of application shall issue a  
3 certified copy of any vital record in his **or her** custody or a part thereof to any applicant having  
4 a direct and tangible interest in the vital record. Each copy issued shall show the date of  
5 registration, and copies issued from records marked "Delayed" or "Amended" shall be similarly  
6 marked and show the effective date. The documentary evidence used to establish a delayed  
7 certificate shall be shown on all copies issued. All forms and procedures used in the issuance  
8 of certified copies of vital records in the state shall be provided or approved by the state registrar.  
9 **In accordance with sections 193.128 and 193.132, the state registrar and other custodians**  
10 **of vital records authorized by the state registrar to issue copies of vital records shall issue**  
11 **an uncertified copy of an original birth certificate, contact preference form, and medical**  
12 **history form to an adopted person. The state registrar may impose a minimal fee to the**  
13 **adopted person for the costs of providing copies of the contact preference form and**  
14 **medical history form.**

15           2. A certified copy of a vital record or any part thereof, issued in accordance with  
16 subsection 1 of this section, shall be considered for all purposes the same as the original and shall  
17 be prima facie evidence of the facts stated therein, provided that the evidentiary value of a  
18 certificate or record filed more than one year after the event, or a record which has been  
19 amended, shall be determined by the judicial or administrative body or official before whom the  
20 certificate is offered as evidence.

21           3. The federal agency responsible for national vital statistics may be furnished such  
22 copies or data from the system of vital statistics as it may require for national statistics, provided  
23 such federal agency share in the cost of collecting, processing, and transmitting such data, and  
24 provided further that such data shall not be used for other than statistical purposes by the federal  
25 agency unless so authorized by the state registrar.

26 4. Federal, state, local and other public or private agencies may, upon request, be  
27 furnished copies or data of any other vital statistics not obtainable under subsection 1 of this  
28 section for statistical or administrative purposes upon such terms or conditions as may be  
29 prescribed by regulation, provided that such copies or data shall not be used for purposes other  
30 than those for which they were requested unless so authorized by the state registrar.

31 5. The state registrar may, by agreement, transmit copies of records and other reports  
32 required by sections 193.005 to 193.325 to offices of vital statistics outside this state when such  
33 records or other reports relate to residents of those jurisdictions or persons born in those  
34 jurisdictions. This agreement shall require that the copies be used for statistical and  
35 administrative purposes only, and the agreement shall further provide for the retention and  
36 disposition of such copies. Copies received by the department from offices of vital statistics in  
37 other states shall be handled in the same manner as prescribed in this section.

38 6. No person shall prepare or issue any certificate which purports to be an original,  
39 certified copy, or copy of a vital record except as authorized herein or by regulations adopted  
40 hereunder.

41 7. Upon application from either parent, or if both parents are deceased, the sibling of the  
42 stillborn child, pursuant to subsection 7 of section 193.165, the state registrar or other custodians  
43 of vital records shall issue to such applicant a certificate of birth resulting in stillbirth. The  
44 certificate shall be based upon the information available from the spontaneous fetal death report  
45 filed pursuant to section 193.165. Any certificate of birth resulting in stillbirth issued shall  
46 conspicuously include, in no smaller than twelve-point type, the statement "This is not proof of  
47 a live birth.". No certificate of birth resulting in stillbirth shall be issued to any person other than  
48 a parent, or if both parents are deceased, the sibling of the stillborn child who files an application  
49 pursuant to section 193.165. The state registrar or other custodians of vital records are  
50 authorized to charge a minimal fee to such applicant to cover the actual costs of providing the  
51 certificate pursuant to this section.

52 8. Any parent, or if both parents are deceased, any sibling of the stillborn child may file  
53 an application for a certificate of birth resulting in stillbirth for a birth that resulted in stillbirth  
54 prior to August 28, 2004.

210.145. 1. The division shall develop protocols which give priority to:

2 (1) Ensuring the well-being and safety of the child in instances where child abuse or  
3 neglect has been alleged;

4 (2) Promoting the preservation and reunification of children and families consistent with  
5 state and federal law;

6 (3) Providing due process for those accused of child abuse or neglect; and

7 (4) Maintaining an information system operating at all times, capable of receiving and  
8 maintaining reports. This information system shall have the ability to receive reports over a  
9 single, statewide toll-free number. Such information system shall maintain the results of all  
10 investigations, family assessments and services, and other relevant information.

11 2. The division shall utilize structured decision-making protocols for classification  
12 purposes of all child abuse and neglect reports. The protocols developed by the division shall  
13 give priority to ensuring the well-being and safety of the child. All child abuse and neglect  
14 reports shall be initiated within twenty-four hours and shall be classified based upon the reported  
15 risk and injury to the child. The division shall promulgate rules regarding the structured  
16 decision-making protocols to be utilized for all child abuse and neglect reports.

17 3. Upon receipt of a report, the division shall determine if the report merits investigation,  
18 including reports which if true would constitute a suspected violation of any of the following:  
19 section 565.020, 565.021, 565.023, 565.024, or 565.050, RSMo, if the victim is a child less than  
20 eighteen years of age, section 566.030 or 566.060, RSMo, if the victim is a child less than  
21 eighteen years of age, or other crimes under chapter 566, RSMo, if the victim is a child less than  
22 eighteen years of age and the perpetrator is twenty-one years of age or older, section 567.050,  
23 RSMo, if the victim is a child less than eighteen years of age, section 568.020, 568.030, 568.045,  
24 568.050, 568.060, 568.080, or 568.090, RSMo, section 573.025, 573.035, 573.037, or 573.040,  
25 RSMo, or an attempt to commit any such crimes. The division shall immediately communicate  
26 all reports that merit investigation to its appropriate local office and any relevant information as  
27 may be contained in the information system. The local division staff shall determine, through  
28 the use of protocols developed by the division, whether an investigation or the family assessment  
29 and services approach should be used to respond to the allegation. The protocols developed by  
30 the division shall give priority to ensuring the well-being and safety of the child.

31 4. The local office shall contact the appropriate law enforcement agency immediately  
32 upon receipt of a report which division personnel determine merits an investigation and provide  
33 such agency with a detailed description of the report received. In such cases the local division  
34 office shall request the assistance of the local law enforcement agency in all aspects of the  
35 investigation of the complaint. The appropriate law enforcement agency shall either assist the  
36 division in the investigation or provide the division, within twenty-four hours, an explanation  
37 in writing detailing the reasons why it is unable to assist.

38 5. The local office of the division shall cause an investigation or family assessment and  
39 services approach to be initiated in accordance with the protocols established in subsection 2 of  
40 this section, except in cases where the sole basis for the report is educational neglect. If the  
41 report indicates that educational neglect is the only complaint and there is no suspicion of other  
42 neglect or abuse, the investigation shall be initiated within seventy-two hours of receipt of the



43 report. If the report indicates the child is in danger of serious physical harm or threat to life, an  
44 investigation shall include direct observation of the subject child within twenty-four hours of the  
45 receipt of the report. Local law enforcement shall take all necessary steps to facilitate such direct  
46 observation. If the parents of the child are not the alleged abusers, a parent of the child must be  
47 notified prior to the child being interviewed by the division. If the abuse is alleged to have  
48 occurred in a school or child-care facility the division shall not meet with the child in any school  
49 building or child-care facility building where abuse of such child is alleged to have occurred.  
50 When the child is reported absent from the residence, the location and the well-being of the child  
51 shall be verified. For purposes of this subsection, child-care facility shall have the same meaning  
52 as such term is defined in section 210.201.

53         6. The director of the division shall name at least one chief investigator for each local  
54 division office, who shall direct the division response on any case involving a second or  
55 subsequent incident regarding the same subject child or perpetrator. The duties of a chief  
56 investigator shall include verification of direct observation of the subject child by the division  
57 and shall ensure information regarding the status of an investigation is provided to the public  
58 school district liaison. The public school district liaison shall develop protocol in conjunction  
59 with the chief investigator to ensure information regarding an investigation is shared with  
60 appropriate school personnel. The superintendent of each school district shall designate a  
61 specific person or persons to act as the public school district liaison. Should the subject child  
62 attend a nonpublic school the chief investigator shall notify the school principal of the  
63 investigation. Upon notification of an investigation, all information received by the public  
64 school district liaison or the school shall be subject to the provisions of the federal Family  
65 Educational Rights and Privacy Act (FERPA), 20 U.S.C., Section 1232g, and federal rule 34  
66 C.F.R., Part 99.

67         7. The investigation shall include but not be limited to the nature, extent, and cause of  
68 the abuse or neglect; the identity and age of the person responsible for the abuse or neglect; the  
69 names and conditions of other children in the home, if any; the home environment and the  
70 relationship of the subject child to the parents or other persons responsible for the child's care;  
71 any indication of incidents of physical violence against any other household or family member;  
72 and other pertinent data.

73         8. When a report has been made by a person required to report under section 210.115,  
74 the division shall contact the person who made such report within forty-eight hours of the receipt  
75 of the report in order to ensure that full information has been received and to obtain any  
76 additional information or medical records, or both, that may be pertinent.

77           9. Upon completion of the investigation, if the division suspects that the report was made  
78 maliciously or for the purpose of harassment, the division shall refer the report and any evidence  
79 of malice or harassment to the local prosecuting or circuit attorney.

80           10. Multidisciplinary teams shall be used whenever conducting the investigation as  
81 determined by the division in conjunction with local law enforcement. Multidisciplinary teams  
82 shall be used in providing protective or preventive social services, including the services of law  
83 enforcement, a liaison of the local public school, the juvenile officer, the juvenile court, and  
84 other agencies, both public and private.

85           11. For all family support team meetings involving an alleged victim of child abuse or  
86 neglect, the parents, legal counsel for the parents, foster parents, the legal guardian or custodian  
87 of the child, the guardian ad litem for the child, and the volunteer advocate for the child shall be  
88 provided notice and be permitted to attend all such meetings. Family members, other than  
89 alleged perpetrators, or other community informal or formal service providers that provide  
90 significant support to the child and other individuals may also be invited at the discretion of the  
91 parents of the child. In addition, the parents, the legal counsel for the parents, the legal guardian  
92 or custodian and the foster parents may request that other individuals, other than alleged  
93 perpetrators, be permitted to attend such team meetings. Once a person is provided notice of or  
94 attends such team meetings, the division or the convenor of the meeting shall provide such  
95 persons with notice of all such subsequent meetings involving the child. Families may determine  
96 whether individuals invited at their discretion shall continue to be invited.

97           12. If the appropriate local division personnel determine after an investigation has begun  
98 that completing an investigation is not appropriate, the division shall conduct a family  
99 assessment and services approach. The division shall provide written notification to local law  
100 enforcement prior to terminating any investigative process. The reason for the termination of  
101 the investigative process shall be documented in the record of the division and the written  
102 notification submitted to local law enforcement. Such notification shall not preclude nor prevent  
103 any investigation by law enforcement.

104           13. If the appropriate local division personnel determines to use a family assessment and  
105 services approach, the division shall:

106           (1) Assess any service needs of the family. The assessment of risk and service needs  
107 shall be based on information gathered from the family and other sources;

108           (2) Provide services which are voluntary and time-limited unless it is determined by the  
109 division based on the assessment of risk that there will be a high risk of abuse or neglect if the  
110 family refuses to accept the services. The division shall identify services for families where it  
111 is determined that the child is at high risk of future abuse or neglect. The division shall  
112 thoroughly document in the record its attempt to provide voluntary services and the reasons these

113 services are important to reduce the risk of future abuse or neglect to the child. If the family  
114 continues to refuse voluntary services or the child needs to be protected, the division may  
115 commence an investigation;

116 (3) Commence an immediate investigation if at any time during the family assessment  
117 and services approach the division determines that an investigation, as delineated in sections  
118 210.109 to 210.183, is required. The division staff who have conducted the assessment may  
119 remain involved in the provision of services to the child and family;

120 (4) Document at the time the case is closed, the outcome of the family assessment and  
121 services approach, any service provided and the removal of risk to the child, if it existed.

122 14. Within [thirty] **forty-five working** days of an oral report of abuse or neglect, the  
123 local office shall update the information in the information system. The information system shall  
124 contain, at a minimum, the determination made by the division as a result of the investigation,  
125 identifying information on the subjects of the report, those responsible for the care of the subject  
126 child and other relevant dispositional information. The division shall complete all investigations  
127 within [thirty] **forty-five working** days, unless good cause for the failure to complete the  
128 investigation is documented in the information system. If a child involved in a pending  
129 investigation dies, the investigation shall remain open until the division's investigation  
130 surrounding the death is completed. If the investigation is not completed within [thirty] **forty-**  
131 **five working** days, the information system shall be updated at regular intervals and upon the  
132 completion of the investigation. The information in the information system shall be updated to  
133 reflect any subsequent findings, including any changes to the findings based on an administrative  
134 or judicial hearing on the matter.

135 15. **No determination of the division shall be entered in the central registry until:**

136 (1) **The alleged perpetrator fails to request review by the child abuse and neglect**  
137 **review board or trial de novo in the circuit court within the thirty-day period provided in**  
138 **subsection 3 of section 210.152; or**

139 (2) **A determination is made by the child abuse and neglect review board that the**  
140 **alleged perpetrator has committed child abuse or neglect.**

141 16. A person required to report under section 210.115 to the division and any person  
142 making a report of child abuse or neglect made to the division which is not made anonymously  
143 shall be informed by the division of his or her right to obtain information concerning the  
144 disposition of his or her report. Such person shall receive, from the local office, if requested,  
145 information on the general disposition of his or her report. Such person may receive, if  
146 requested, findings and information concerning the case. Such release of information shall be  
147 at the discretion of the director based upon a review of the reporter's ability to assist in protecting  
148 the child or the potential harm to the child or other children within the family. The local office

149 shall respond to the request within forty-five days. The findings shall be made available to the  
150 reporter within five days of the outcome of the investigation. If the report is determined to be  
151 unsubstantiated, the reporter may request that the report be referred by the division to the office  
152 of child advocate for children's protection and services established in sections 37.700 to 37.730,  
153 RSMo. Upon request by a reporter under this subsection, the division shall refer an  
154 unsubstantiated report of child abuse or neglect to the office of child advocate for children's  
155 protection and services.

156 [16.] **17.** In any judicial proceeding involving the custody of a child the fact that a report  
157 may have been made pursuant to sections 210.109 to 210.183 shall not be admissible. However:

158 (1) Nothing in this subsection shall prohibit the introduction of evidence from  
159 independent sources to support the allegations that may have caused a report to have been made;  
160 and

161 (2) The court may on its own motion, or shall if requested by a party to the proceeding,  
162 make an inquiry not on the record with the children's division to determine if such a report has  
163 been made. If a report has been made, the court may stay the custody proceeding until the  
164 children's division completes its investigation.

165 [17.] **18.** In any judicial proceeding involving the custody of a child where the court  
166 determines that the child is in need of services pursuant to **paragraph (d) of** subdivision [(d)]  
167 **(1)** of subsection 1 of section 211.031, RSMo, and has taken jurisdiction, the child's parent,  
168 guardian or custodian shall not be entered into the registry.

169 [18.] **19.** The children's division is hereby granted the authority to promulgate rules and  
170 regulations pursuant to the provisions of section 207.021, RSMo, and chapter 536, RSMo, to  
171 carry out the provisions of sections 210.109 to 210.183.

172 [19.] **20.** Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,  
173 that is created under the authority delegated in this section shall become effective only if it  
174 complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable,  
175 section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of  
176 the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay  
177 the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then  
178 the grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall  
179 be invalid and void.

210.150. 1. The children's division shall ensure the confidentiality of all reports and  
2 records made pursuant to sections 210.109 to 210.183 and maintained by the division, its local  
3 offices, the central registry, and other appropriate persons, officials, and institutions pursuant to  
4 sections 210.109 to 210.183. To protect the rights of the family and the child named in the report  
5 as a victim, the children's division shall establish guidelines which will ensure that any disclosure

6 of information concerning the abuse and neglect involving that child is made only to persons or  
7 agencies that have a right to such information. The division may require persons to make written  
8 requests for access to records maintained by the division. The division shall only release  
9 information to persons who have a right to such information. The division shall notify persons  
10 receiving information pursuant to subdivisions (2), (7), (8) and (9) of subsection 2 of this section  
11 of the purpose for which the information is released and of the penalties for unauthorized  
12 dissemination of information. Such information shall be used only for the purpose for which the  
13 information is released.

14         2. Only the following persons shall have access to investigation records contained in the  
15 central registry:

16             (1) Appropriate federal, state or local criminal justice agency personnel, or any agent of  
17 such entity, with a need for such information under the law to protect children from abuse or  
18 neglect;

19             (2) A physician or a designated agent who reasonably believes that the child being  
20 examined may be abused or neglected;

21             (3) Appropriate staff of the division and of its local offices, including interdisciplinary  
22 teams which are formed to assist the division in investigation, evaluation and treatment of child  
23 abuse and neglect cases or a multidisciplinary provider of professional treatment services for a  
24 child referred to the provider;

25             (4) Any child named in the report as a victim, or a legal representative, or the parent, if  
26 not the alleged perpetrator, or guardian of such person when such person is a minor, or is  
27 mentally ill or otherwise incompetent, but the names of reporters shall not be furnished to  
28 persons in this category. Prior to the release of any identifying information, the division shall  
29 determine if the release of such identifying information may place a person's life or safety in  
30 danger. If the division makes the determination that a person's life or safety may be in danger,  
31 the identifying information shall not be released. The division shall provide a method for  
32 confirming or certifying that a designee is acting on behalf of a subject;

33             (5) Any alleged perpetrator named in the report, but the names of reporters shall not be  
34 furnished to persons in this category. Prior to the release of any identifying information, the  
35 division shall determine if the release of such identifying information may place a person's life  
36 or safety in danger. If the division makes the determination that a person's life or safety may be  
37 in danger, the identifying information shall not be released. However, the investigation reports  
38 will not be released to any alleged perpetrator with pending criminal charges arising out of the  
39 facts and circumstances named in the investigation records until an indictment is returned or an  
40 information filed **or, one year after the division has notified in writing to the prosecuting**  
41 **attorney in the jurisdiction where the acts forming the basis of the report are alleged to**

42 **have occurred, whichever occurs first. The prosecuting attorney may petition the circuit**  
43 **court of such jurisdiction to extend the one-year period for good cause shown, for such**  
44 **time as the court may determine is necessary to complete the investigation and to file any**  
45 **appropriate charges;**

46 (6) A grand jury, juvenile officer, prosecuting attorney, law enforcement officer involved  
47 in the investigation of child abuse or neglect, juvenile court or other court conducting abuse or  
48 neglect or child protective proceedings or child custody proceedings, and other federal, state and  
49 local government entities, or any agent of such entity, with a need for such information in order  
50 to carry out its responsibilities under the law to protect children from abuse or neglect;

51 (7) Any person engaged in a bona fide research purpose, with the permission of the  
52 director; provided, however, that no information identifying the child named in the report as a  
53 victim or the reporters shall be made available to the researcher, unless the identifying  
54 information is essential to the research or evaluation and the child named in the report as a victim  
55 or, if the child is less than eighteen years of age, through the child's parent, or guardian provides  
56 written permission;

57 (8) Any child-care facility; child-placing agency; residential-care facility, including  
58 group homes; juvenile courts; public or private elementary schools; public or private secondary  
59 schools; or any other public or private agency exercising temporary supervision over a child or  
60 providing or having care or custody of a child who may request an examination of the central  
61 registry from the division for all employees and volunteers or prospective employees and  
62 volunteers, who do or will provide services or care to children. Any agency or business  
63 recognized by the division or business which provides training and places or recommends people  
64 for employment or for volunteers in positions where they will provide services or care to children  
65 may request the division to provide an examination of the central registry. Such agency or  
66 business shall provide verification of its status as a recognized agency. Requests for  
67 examinations shall be made to the division director or the director's designee in writing by the  
68 chief administrative officer of the above homes, centers, public and private elementary schools,  
69 public and private secondary schools, agencies, or courts. The division shall respond in writing  
70 to that officer. The response shall include information pertaining to the nature and disposition  
71 of any report or reports of abuse or neglect revealed by the examination of the central registry.  
72 This response shall not include any identifying information regarding any person other than the  
73 alleged perpetrator of the abuse or neglect;

74 (9) Any parent or legal guardian who inquires about a child abuse or neglect report  
75 involving a specific person or child-care facility who does or may provide services or care to a  
76 child of the person requesting the information. Request for examinations shall be made to the  
77 division director or the director's designee, in writing, by the parent or legal guardian of the child

78 and shall be accompanied with a signed and notarized release form from the person who does  
79 or may provide care or services to the child. The notarized release form shall include the full  
80 name, date of birth and Social Security number of the person who does or may provide care or  
81 services to a child. The response shall include information pertaining to the nature and  
82 disposition of any report or reports of abuse or neglect revealed by the examination of the central  
83 registry. This response shall not include any identifying information regarding any person other  
84 than the alleged perpetrator of the abuse or neglect. The response shall be given within ten  
85 working days of the time it was received by the division;

86 (10) Any person who inquires about a child abuse or neglect report involving a specific  
87 child-care facility, child-placing agency, residential-care facility, public and private elementary  
88 schools, public and private secondary schools, juvenile court or other state agency. The  
89 information available to these persons is limited to the nature and disposition of any report  
90 contained in the central registry and shall not include any identifying information pertaining to  
91 any person mentioned in the report;

92 (11) Any state agency acting pursuant to statutes regarding a license of any person,  
93 institution, or agency which provides care for or services to children;

94 (12) Any child fatality review panel established pursuant to section 210.192 or any state  
95 child fatality review panel established pursuant to section 210.195;

96 (13) Any person who is a tenure-track or full-time research faculty member at an  
97 accredited institution of higher education engaged in scholarly research, with the permission of  
98 the director. Prior to the release of any identifying information, the director shall require the  
99 researcher to present a plan for maintaining the confidentiality of the identifying information.  
100 The researcher shall be prohibited from releasing the identifying information of individual cases.

101 3. Only the following persons shall have access to records maintained by the division  
102 pursuant to section 210.152 for which the division has received a report of child abuse and  
103 neglect and which the division has determined that there is insufficient evidence or in which the  
104 division proceeded with the family assessment and services approach:

105 (1) Appropriate staff of the division;

106 (2) Any child named in the report as a victim, or a legal representative, or the parent or  
107 guardian of such person when such person is a minor, or is mentally ill or otherwise incompetent.  
108 The names or other identifying information of reporters shall not be furnished to persons in this  
109 category. Prior to the release of any identifying information, the division shall determine if the  
110 release of such identifying information may place a person's life or safety in danger. If the  
111 division makes the determination that a person's life or safety may be in danger, the identifying  
112 information shall not be released. The division shall provide for a method for confirming or  
113 certifying that a designee is acting on behalf of a subject;

114 (3) Any alleged perpetrator named in the report, but the names of reporters shall not be  
115 furnished to persons in this category. Prior to the release of any identifying information, the  
116 division shall determine if the release of such identifying information may place a person's life  
117 or safety in danger. If the division makes the determination that a person's life or safety may be  
118 in danger, the identifying information shall not be released. However, the investigation reports  
119 will not be released to any alleged perpetrator with pending criminal charges arising out of the  
120 facts and circumstances named in the investigation records until an indictment is returned or an  
121 information filed **or, one year after the division has notified in writing to the prosecuting**  
122 **attorney in the jurisdiction where the acts forming the basis of the report are alleged to**  
123 **have occurred, whichever occurs first. The prosecuting attorney may petition the circuit**  
124 **court of such jurisdiction to extend the one-year period for good cause shown, for such**  
125 **time as the court may determine is necessary to complete the investigation and to file any**  
126 **appropriate charges;**

127 (4) Any child fatality review panel established pursuant to section 210.192 or any state  
128 child fatality review panel established pursuant to section 210.195;

129 (5) Appropriate criminal justice agency personnel or juvenile officer;

130 (6) Multidisciplinary agency or individual including a physician or physician's designee  
131 who is providing services to the child or family, with the consent of the parent or guardian of the  
132 child or legal representative of the child;

133 (7) Any person engaged in bona fide research purpose, with the permission of the  
134 director; provided, however, that no information identifying the subjects of the reports or the  
135 reporters shall be made available to the researcher, unless the identifying information is essential  
136 to the research or evaluation and the subject, or if a child, through the child's parent or guardian,  
137 provides written permission.

138 4. Any person who knowingly violates the provisions of this section, or who permits or  
139 encourages the unauthorized dissemination of information contained in the information system  
140 or the central registry and in reports and records made pursuant to sections 210.109 to 210.183,  
141 shall be guilty of a class A misdemeanor.

142 5. Nothing in this section shall preclude the release of findings or information about  
143 cases which resulted in a child fatality or near fatality. Such release is at the sole discretion of  
144 the director of the department of social services, based upon a review of the potential harm to  
145 other children within the immediate family.

210.152. 1. All identifying information, including telephone reports reported pursuant  
2 to section 210.145, relating to reports of abuse or neglect received by the division shall be  
3 retained by the division and removed from the records of the division as follows:



4 (1) For investigation reports contained in the central registry, identifying information  
5 shall be retained by the division;

6 (2) (a) For investigation reports initiated against a person required to report pursuant to  
7 section 210.115, where insufficient evidence of abuse or neglect is found by the division and  
8 where the division determines the allegation of abuse or neglect was made maliciously, for  
9 purposes of harassment or in retaliation for the filing of a report by a person required to report,  
10 identifying information shall be expunged by the division within forty-five days from the  
11 conclusion of the investigation;

12 (b) For investigation reports, where insufficient evidence of abuse or neglect is found  
13 by the division and where the division determines the allegation of abuse or neglect was made  
14 maliciously, for purposes of harassment or in retaliation for the filing of a report, identifying  
15 information shall be expunged by the division within forty-five days from the conclusion of the  
16 investigation;

17 (c) For investigation reports initiated by a person required to report under section  
18 210.115, where insufficient evidence of abuse or neglect is found by the division, identifying  
19 information shall be retained for five years from the conclusion of the investigation. For all other  
20 investigation reports where insufficient evidence of abuse or neglect is found by the division,  
21 identifying information shall be retained for two years from the conclusion of the investigation.

22

23 Such reports shall include any exculpatory evidence known by the division, including  
24 exculpatory evidence obtained after the closing of the case. At the end of such time period, the  
25 identifying information shall be removed from the records of the division and destroyed;

26 (3) For reports where the division uses the family assessment and services approach,  
27 identifying information shall be retained by the division;

28 (4) For reports in which the division is unable to locate the child alleged to have been  
29 abused or neglected, identifying information shall be retained for ten years from the date of the  
30 report and then shall be removed from the records of the division.

31 2. Within ninety days after receipt of a report of abuse or neglect that is investigated, the  
32 alleged perpetrator named in the report and the parents of the child named in the report, if the  
33 alleged perpetrator is not a parent, shall be notified in writing of any determination made by the  
34 division based on the investigation. The notice shall advise either:

35 (1) That the division has determined by a probable cause finding prior to August 28,  
36 2004, or by a preponderance of the evidence after August 28, 2004, that abuse or neglect exists  
37 and that the division shall retain all identifying information regarding the abuse or neglect; that  
38 such information shall remain confidential and will not be released except to law enforcement  
39 agencies, prosecuting or circuit attorneys, or as provided in section 210.150; that the alleged

40 perpetrator has [sixty] **thirty** days from the date of receipt of the notice to seek reversal of the  
41 division's determination through a review by the child abuse and neglect review board as  
42 provided in subsection 3 of this section; or

43 (2) That the division has not made a probable cause finding or determined by a  
44 preponderance of the evidence that abuse or neglect exists.

45 3. Any person named in an investigation as a perpetrator who is aggrieved by a  
46 determination of abuse or neglect by the division as provided in this section may seek an  
47 administrative review by the child abuse and neglect review board pursuant to the provisions of  
48 section 210.153. Such request for review shall be made within [sixty] **thirty** days of notification  
49 of the division's decision under this section. In those cases where criminal charges arising out  
50 of facts of the investigation are pending, the request for review shall be made within [sixty]  
51 **thirty** days from [the court's final disposition or dismissal of the charges] **when an indictment**  
52 **is returned, an information filed, dismissal of the charges or after the division's release of**  
53 **its investigative report to the alleged perpetrator under this section.**

54 4. In any such action for administrative review, the child abuse and neglect review board  
55 shall sustain the division's determination if such determination was supported by evidence of  
56 probable cause prior to August 28, 2004, or is supported by a preponderance of the evidence after  
57 August 28, 2004, and is not against the weight of such evidence. The child abuse and neglect  
58 review board hearing shall be closed to all persons except the parties, their attorneys and those  
59 persons providing testimony on behalf of the parties.

60 5. If the alleged perpetrator is aggrieved by the decision of the child abuse and neglect  
61 review board, the alleged perpetrator may seek de novo judicial review in the circuit court in the  
62 county in which the alleged perpetrator resides and in circuits with split venue, in the venue in  
63 which the alleged perpetrator resides, or in Cole County. If the alleged perpetrator is not a  
64 resident of the state, proper venue shall be in Cole County. The case may be assigned to the  
65 family court division where such a division has been established. The request for a judicial  
66 review shall be made within [sixty] **thirty** days of notification of the decision of the child abuse  
67 and neglect review board decision. In reviewing such decisions, the circuit court shall provide  
68 the alleged perpetrator the opportunity to appear and present testimony. The alleged perpetrator  
69 may subpoena any witnesses except the alleged victim or the reporter. However, the circuit court  
70 shall have the discretion to allow the parties to submit the case upon a stipulated record.

71 6. In any such action for administrative review, the child abuse and neglect review board  
72 shall notify the child or the parent, guardian or legal representative of the child that a review has  
73 been requested.

211.031. 1. Except as otherwise provided in this chapter, the juvenile court or the family court in circuits that have a family court as provided in sections 487.010 to 487.190, RSMo, shall have exclusive original jurisdiction in proceedings:

(1) Involving any child or person seventeen years of age who may be a resident of or found within the county and who is alleged to be in need of care and treatment because:

(a) The parents, or other persons legally responsible for the care and support of the child or person seventeen years of age, neglect or refuse to provide proper support, education which is required by law, medical, surgical or other care necessary for his or her well-being; except that reliance by a parent, guardian or custodian upon remedial treatment other than medical or surgical treatment for a child or person seventeen years of age shall not be construed as neglect when the treatment is recognized or permitted pursuant to the laws of this state;

(b) The child or person seventeen years of age is otherwise without proper care, custody or support; or

(c) The child or person seventeen years of age was living in a room, building or other structure at the time such dwelling was found by a court of competent jurisdiction to be a public nuisance pursuant to section 195.130, RSMo;

(d) The child or person seventeen years of age is a child in need of mental health services and the parent, guardian or custodian is unable to afford or access appropriate mental health treatment or care for the child;

(2) Involving any child who may be a resident of or found within the county and who is alleged to be in need of care and treatment because:

(a) The child while subject to compulsory school attendance is repeatedly and without justification absent from school; or

(b) The child disobeys the reasonable and lawful directions of his or her parents or other custodian and is beyond their control; or

(c) The child is habitually absent from his or her home without sufficient cause, permission, or justification; or

(d) The behavior or associations of the child are otherwise injurious to his or her welfare or to the welfare of others; or

(e) The child is charged with an offense not classified as criminal, or with an offense applicable only to children; except that, the juvenile court shall not have jurisdiction over any child fifteen and one-half years of age who is alleged to have violated a state or municipal traffic ordinance or regulation, the violation of which does not constitute a felony, or any child who is alleged to have violated a state or municipal ordinance or regulation prohibiting possession or use of any tobacco product;

36 (3) Involving any child who is alleged to have violated a state law or municipal  
37 ordinance, or any person who is alleged to have violated a state law or municipal ordinance prior  
38 to attaining the age of seventeen years, in which cases jurisdiction may be taken by the court of  
39 the circuit in which the child or person resides or may be found or in which the violation is  
40 alleged to have occurred; except that, the juvenile court shall not have jurisdiction over any child  
41 fifteen [and one-half] years of age who is alleged to have violated a state or municipal traffic  
42 ordinance or regulation, the violation of which does not constitute a felony, and except that the  
43 juvenile court shall have concurrent jurisdiction with the municipal court over any child who is  
44 alleged to have violated a municipal curfew ordinance, and except that the juvenile court shall  
45 have concurrent jurisdiction with the circuit court on any child who is alleged to have violated  
46 a state or municipal ordinance or regulation prohibiting possession or use of any tobacco product;

47 (4) For the adoption of a person;

48 (5) For the commitment of a child or person seventeen years of age to the guardianship  
49 of the department of social services as provided by law.

50 2. Transfer of a matter, proceeding, jurisdiction or supervision for a child or person  
51 seventeen years of age who resides in a county of this state shall be made as follows:

52 (1) Prior to the filing of a petition and upon request of any party or at the discretion of  
53 the juvenile officer, the matter in the interest of a child or person seventeen years of age may be  
54 transferred by the juvenile officer, with the prior consent of the juvenile officer of the receiving  
55 court, to the county of the child's residence or the residence of the person seventeen years of age  
56 for future action;

57 (2) Upon the motion of any party or on its own motion prior to final disposition on the  
58 pending matter, the court in which a proceeding is commenced may transfer the proceeding of  
59 a child or person seventeen years of age to the court located in the county of the child's residence  
60 or the residence of the person seventeen years of age, or the county in which the offense pursuant  
61 to subdivision (3) of subsection 1 of this section is alleged to have occurred for further action;

62 (3) Upon motion of any party or on its own motion, the court in which jurisdiction has  
63 been taken pursuant to subsection 1 of this section may at any time thereafter transfer jurisdiction  
64 of a child or person seventeen years of age to the court located in the county of the child's  
65 residence or the residence of the person seventeen years of age for further action with the prior  
66 consent of the receiving court;

67 (4) Upon motion of any party or upon its own motion at any time following a judgment  
68 of disposition or treatment pursuant to section 211.181, the court having jurisdiction of the cause  
69 may place the child or person seventeen years of age under the supervision of another juvenile  
70 court within or without the state pursuant to section 210.570, RSMo, with the consent of the  
71 receiving court;

72 (5) Upon motion of any child or person seventeen years of age or his or her parent, the  
73 court having jurisdiction shall grant one change of judge pursuant to Missouri Supreme Court  
74 Rules;

75 (6) Upon the transfer of any matter, proceeding, jurisdiction or supervision of a child or  
76 person seventeen years of age, certified copies of all legal and social documents and records  
77 pertaining to the case on file with the clerk of the transferring juvenile court shall accompany the  
78 transfer.

79 3. In any proceeding involving any child or person seventeen years of age taken into  
80 custody in a county other than the county of the child's residence or the residence of a person  
81 seventeen years of age, the juvenile court of the county of the child's residence or the residence  
82 of a person seventeen years of age shall be notified of such taking into custody within  
83 seventy-two hours.

84 4. When an investigation by a juvenile officer pursuant to this section reveals that the  
85 only basis for action involves an alleged violation of section 167.031, RSMo, involving a child  
86 who alleges to be home schooled, the juvenile officer shall contact a parent or parents of such  
87 child to verify that the child is being home schooled and not in violation of section 167.031,  
88 RSMo, before making a report of such a violation. Any report of a violation of section 167.031,  
89 RSMo, made by a juvenile officer regarding a child who is being home schooled shall be made  
90 to the prosecuting attorney of the county where the child legally resides.

288.034. 1. "Employment" means service, including service in interstate commerce,  
2 performed for wages or under any contract of hire, written or oral, express or implied, and  
3 notwithstanding any other provisions of this section, service with respect to which a tax is  
4 required to be paid under any federal unemployment tax law imposing a tax against which credit  
5 may be taken for contributions required to be paid into a state unemployment fund or which, as  
6 a condition for full tax credit against the tax imposed by the Federal Unemployment Tax Act,  
7 is required to be covered under this law.

8 2. The term "employment" shall include an individual's entire service, performed within  
9 or both within and without this state if:

10 (1) The service is localized in this state; or

11 (2) The service is not localized in any state but some of the service is performed in this  
12 state and the base of operations, or, if there is no base of operations, then the place from which  
13 such service is directed or controlled, is in this state; or the base of operations or place from  
14 which such service is directed or controlled is not in any state in which some part of the service  
15 is performed but the individual's residence is in this state.

16 3. Service performed by an individual for wages shall be deemed to be employment  
17 subject to this law:

18 (1) If covered by an election filed and approved pursuant to subdivision (2) of subsection  
19 3 of section 288.080;

20 (2) If covered by an arrangement pursuant to section 288.340 between the division and  
21 the agency charged with the administration of any other state or federal unemployment insurance  
22 law, pursuant to which all services performed by an individual for an employing unit are deemed  
23 to be performed entirely within this state.

24 4. Service shall be deemed to be localized within a state if the service is performed  
25 entirely within such state; or the service is performed both within and without such state, but the  
26 service performed without such state is incidental to the individual's service within the state; for  
27 example, is temporary or transitory in nature or consists of isolated transactions.

28 5. Service performed by an individual for remuneration shall be deemed to be  
29 employment subject to this law unless it is shown to the satisfaction of the division that such  
30 services were performed by an independent contractor. In determining the existence of the  
31 independent contractor relationship, the common law of agency right to control shall be applied.  
32 The common law of agency right to control test shall include but not be limited to: if the alleged  
33 employer retains the right to control the manner and means by which the results are to be  
34 accomplished, the individual who performs the service is an employee. If only the results are  
35 controlled, the individual performing the service is an independent contractor.

36 6. The term "employment" shall include service performed for wages as an agent-driver  
37 or commission-driver engaged in distributing meat products, vegetable products, fruit products,  
38 bakery products, beverages (other than milk), or laundry or dry-cleaning services, for his or her  
39 principal; or as a traveling or city salesman, other than as an agent-driver or commission-driver,  
40 engaged upon a full-time basis in the solicitation on behalf of, and the transmission to, his or her  
41 principal (except for sideline sales activities on behalf of some other person) of orders from  
42 wholesalers, retailers, contractors, or operators of hotels, restaurants, or other similar  
43 establishments for merchandise for resale or supplies for use in their business operations,  
44 provided:

45 (1) The contract of service contemplates that substantially all of the services are to be  
46 performed personally by such individual; and

47 (2) The individual does not have a substantial investment in facilities used in connection  
48 with the performance of the services (other than in facilities for transportation); and

49 (3) The services are not in the nature of a single transaction that is not part of a  
50 continuing relationship with the person for whom the services are performed.

51 7. Service performed by an individual in the employ of this state or any political  
52 subdivision thereof or any instrumentality of any one or more of the foregoing which is wholly  
53 owned by this state and one or more other states or political subdivisions, or any service

54 performed in the employ of any instrumentality of this state or of any political subdivision  
55 thereof, and one or more other states or political subdivisions, provided that such service is  
56 excluded from "employment" as defined in the Federal Unemployment Tax Act by Section  
57 3306(c)(7) of that act and is not excluded from "employment" pursuant to subsection 9 of this  
58 section, shall be "employment" subject to this law.

59         8. Service performed by an individual in the employ of a corporation or any community  
60 chest, fund, or foundation organized and operated exclusively for religious, charitable, scientific,  
61 testing for public safety, literary, or educational purposes, or for the prevention of cruelty to  
62 children or animals, no part of the net earnings of which inures to the benefit of any private  
63 shareholder or individual, or other organization described in Section 501(c)(3) of the Internal  
64 Revenue Code which is exempt from income tax under Section 501(a) of that code if the  
65 organization had four or more individuals in employment for some portion of a day in each of  
66 twenty different weeks whether or not such weeks were consecutive within a calendar year  
67 regardless of whether they were employed at the same moment of time shall be "employment"  
68 subject to this law.

69         9. For the purposes of subsections 7 and 8 of this section, the term "employment" does  
70 not apply to service performed:

71         (1) In the employ of a church or convention or association of churches, or an  
72 organization which is operated primarily for religious purposes and which is operated,  
73 supervised, controlled, or principally supported by a church or convention or association of  
74 churches; or

75         (2) By a duly ordained, commissioned, or licensed minister of a church in the exercise  
76 of such minister's ministry or by a member of a religious order in the exercise of duties required  
77 by such order; or

78         (3) In the employ of a governmental entity referred to in subdivision (3) of subsection  
79 1 of section 288.032 if such service is performed by an individual in the exercise of duties:

80             (a) As an elected official;

81             (b) As a member of a legislative body, or a member of the judiciary, of a state or political  
82 subdivision;

83             (c) As a member of the state national guard or air national guard;

84             (d) As an employee serving on a temporary basis in case of fire, storm, snow, earthquake,  
85 flood or similar emergency;

86             (e) In a position which, under or pursuant to the laws of this state, is designated as (i) a  
87 major nontenured policy-making or advisory position, or (ii) a policy-making or advisory  
88 position the performance of the duties of which ordinarily does not require more than eight hours  
89 per week; or

90 (4) In a facility conducted for the purpose of carrying out a program of rehabilitation for  
91 individuals whose earning capacity is impaired by age or physical or mental deficiency or injury  
92 or providing remunerative work for individuals who because of their impaired physical or mental  
93 capacity cannot be readily absorbed in the competitive labor market, by an individual receiving  
94 such rehabilitation or remunerative work; or

95 (5) As part of an unemployment work-relief or work-training program assisted or  
96 financed in whole or in part by any federal agency or an agency of a state or political subdivision  
97 thereof, by an individual receiving such work relief or work training; or

98 (6) By an inmate of a custodial or penal institution; or

99 (7) In the employ of a school, college, or university, if such service is performed (i) by  
100 a student who is enrolled and is regularly attending classes at such school, college, or university,  
101 or (ii) by the spouse of such a student, if such spouse is advised, at the time such spouse  
102 commences to perform such service, that (I) the employment of such spouse to perform such  
103 service is provided under a program to provide financial assistance to such student by such  
104 school, college, or university, and (II) such employment will not be covered by any program of  
105 unemployment insurance.

106 10. The term "employment" shall include the service of an individual who is a citizen  
107 of the United States, performed outside the United States (except in Canada), if:

108 (1) The employer's principal place of business in the United States is located in this state;  
109 or

110 (2) The employer has no place of business in the United States, but:

111 (a) The employer is an individual who is a resident of this state; or

112 (b) The employer is a corporation which is organized under the laws of this state; or

113 (c) The employer is a partnership or a trust and the number of the partners or trustees  
114 who are residents of this state is greater than the number who are residents of any one other state;  
115 or

116 (3) None of the criteria of subdivisions (1) and (2) of this subsection is met but the  
117 employer has elected coverage in this state or, the employer having failed to elect coverage in  
118 any state, the individual has filed a claim for benefits, based on such service, under the law of  
119 this state;

120 (4) As used in this subsection and in subsection 11 of this section, the term "United  
121 States" includes the states, the District of Columbia and the Commonwealth of Puerto Rico.

122 11. An "American employer", for the purposes of subsection 10 of this section, means  
123 a person who is:

124 (1) An individual who is a resident of the United States; or



125 (2) A partnership, if two-thirds or more of the partners are residents of the United States;  
126 or

127 (3) A trust, if all of the trustees are residents of the United States; or

128 (4) A corporation organized under the laws of the United States or of any state.

129 12. The term "employment" shall not include:

130 (1) Service performed by an individual in agricultural labor;

131 (a) For the purposes of this subdivision, the term "agricultural labor" means remunerated  
132 service performed:

133 a. On a farm, in the employ of any person, in connection with cultivating the soil, or in  
134 connection with raising or harvesting any agricultural or horticultural commodity, including the  
135 raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and  
136 furbearing animals and wildlife;

137 b. In the employ of the owner or tenant or other operator of a farm, in connection with  
138 the operation, management, conservation, improvement, or maintenance of such farm and its  
139 tools and equipment, or in salvaging timber or clearing land of brush and other debris left by a  
140 hurricane, if the major part of such service is performed on a farm;

141 c. In connection with the production or harvesting of any commodity defined as an  
142 agricultural commodity in Section 15(g) of the Federal Agricultural Marketing Act, as amended  
143 (46 Stat. 1550, Sec. 3; 12 U.S.C. 1441j), or in connection with the ginning of cotton, or in  
144 connection with the operation or maintenance of ditches, canals, reservoirs, or waterways, not  
145 owned or operated for profit, used exclusively for supplying and storing water for farming  
146 purposes;

147 d. i. In the employ of the operator of a farm in handling, planting, drying, packing,  
148 packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a  
149 carrier for transportation to market, in its unmanufactured state, any agricultural or horticultural  
150 commodity; but only if such operator produced more than one-half of the commodity with  
151 respect to which such service is performed;

152 ii. In the employ of a group of operators of farms (or a cooperative organization of which  
153 such operators are members) in the performance of services described in item i of this  
154 subparagraph, but only if such operators produced more than one-half of the commodity with  
155 respect to which such service is performed;

156 iii. The provisions of items i and ii of this subparagraph shall not be deemed to be  
157 applicable with respect to service performed in connection with commercial canning or  
158 commercial freezing or in connection with any agricultural or horticultural commodity after its  
159 delivery to a terminal market for distribution for consumption; or

160 e. On a farm operated for profit if such service is not in the course of the employer's trade  
161 or business. As used in this paragraph, the term "farm" includes stock, dairy, poultry, fruit,  
162 furbearing animals, and truck farms, plantations, ranches, nurseries, ranges, greenhouses or other  
163 similar structures, used primarily for the raising of agricultural or horticultural commodities, and  
164 orchards;

165 (b) The term "employment" shall include service performed after December 31, 1977,  
166 by an individual in agricultural labor as defined in paragraph (a) of this subdivision when such  
167 service is performed for a person who, during any calendar quarter, paid remuneration in cash  
168 of twenty thousand dollars or more to individuals employed in agricultural labor or for some  
169 portion of a day in a calendar year in each of twenty different calendar weeks, whether or not  
170 such weeks were consecutive, employed in agricultural labor ten or more individuals, regardless  
171 of whether they were employed at the same moment of time;

172 (c) For the purposes of this subsection any individual who is a member of a crew  
173 furnished by a crew leader to perform service in agricultural labor for any other person shall be  
174 considered as employed by such crew leader:

175 a. If such crew leader holds a valid certificate of registration under the Farm Labor  
176 Contractor Registration Act of 1963; or substantially all the members of such crew operate or  
177 maintain tractors, mechanized harvesting or crop-dusting equipment, or any other mechanized  
178 equipment, which is provided by such crew leader; and

179 b. If such individual is not in employment by such other person;

180 c. If any individual is furnished by a crew leader to perform service in agricultural labor  
181 for any other person and that individual is not in the employment of the crew leader:

182 i. Such other person and not the crew leader shall be treated as the employer of such  
183 individual; and

184 ii. Such other person shall be treated as having paid cash remuneration to such individual  
185 in an amount equal to the amount of cash remuneration paid to such individual by the crew  
186 leader (either on his or her own behalf or on behalf of such other person) for the service in  
187 agricultural labor performed for such other person;

188 d. For the purposes of this subsection, the term "crew leader" means an individual who:

189 i. Furnishes individuals to perform service in agricultural labor for any other person;

190 ii. Pays (either on his or her own behalf or on behalf of such other person) the individuals  
191 so furnished by him or her for the service in agricultural labor performed by them; and

192 iii. Has not entered into a written agreement with such other person under which such  
193 individual is designated as in employment by such other person;

194 (2) Domestic service in a private home except as provided in subsection 13 of this  
195 section;

196 (3) Service performed by an individual under the age of eighteen years in the delivery  
197 or distribution of newspapers or shopping news but shall not include delivery or distribution to  
198 any point for subsequent delivery or distribution;

199 (4) Service performed by an individual in, and at the time of, the sale of newspapers or  
200 magazines to ultimate consumers under an arrangement under which the newspapers or  
201 magazines are to be sold by him or her at a fixed price, his or her compensation being based on  
202 the retention of the excess of such price over the amount at which the newspapers or magazines  
203 are charged to him or her, whether or not he or she is guaranteed a minimum amount of  
204 compensation for such service, or is entitled to be credited with the unsold newspapers or  
205 magazines turned back;

206 (5) Service performed by an individual in the employ of his or her son, daughter, or  
207 spouse, and service performed by a child under the age of twenty-one in the employ of his or her  
208 father or mother;

209 (6) Except as otherwise provided in this law, service performed in the employ of a  
210 corporation, community chest, fund or foundation, organized and operated exclusively for  
211 religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty  
212 to children or animals, no part of the net earnings of which inures to the benefit of any private  
213 shareholder or individual;

214 (7) Services with respect to which unemployment insurance is payable under an  
215 unemployment insurance system established by an act of Congress;

216 (8) Service performed in the employ of a foreign government;

217 (9) Service performed in the employ of an instrumentality wholly owned by a foreign  
218 government:

219 (a) If the service is of a character similar to that performed in foreign countries by  
220 employees of the United States government or of an instrumentality thereof; and

221 (b) If the division finds that the foreign government, with respect to whose  
222 instrumentality exemption is claimed, grants an equivalent exemption with respect to similar  
223 service performed in the foreign country by employees of the United States government and of  
224 instrumentalities thereof. The certification of the United States Secretary of State to the United  
225 States Secretary of Treasury shall constitute prima facie evidence of such equivalent exemption;

226 (10) Service covered by an arrangement between the division and the agency charged  
227 with the administration of any other state or federal unemployment insurance law pursuant to  
228 which all services performed by an individual for an employing unit during the period covered  
229 by the employing unit's approved election are deemed to be performed entirely within the  
230 jurisdiction of such other state or federal agency;

231 (11) Service performed in any calendar quarter in the employ of a school, college or  
232 university not otherwise excluded, if such service is performed by a student who is enrolled and  
233 regularly attending classes at such school, college, or university, and the remuneration for such  
234 service does not exceed fifty dollars (exclusive of board, room, and tuition);

235 (12) Service performed by an individual for a person as a licensed insurance agent, a  
236 licensed insurance broker, or an insurance solicitor, if all such service performed by such  
237 individual for such person is performed for remuneration solely by way of commissions;

238 (13) Domestic service performed in the employ of a local college club or of a local  
239 chapter of a college fraternity or sorority, except as provided in subsection 13 of this section;

240 (14) Services performed after March 31, 1982, in programs authorized and funded by  
241 the Comprehensive Employment and Training Act by participants of such programs, except those  
242 programs with respect to which unemployment insurance coverage is required by the  
243 Comprehensive Employment and Training Act or regulations issued pursuant thereto;

244 (15) Service performed by an individual who is enrolled at a nonprofit or public  
245 educational institution which normally maintains a regular faculty and curriculum and normally  
246 has a regularly organized body of students in attendance at the place where its educational  
247 activities are carried on, as a student in a full-time program, taken for credit at such institution,  
248 which combines academic instruction with work experience, if such service is an integral part  
249 of such program, and such institution has so certified to the employer; except, that this  
250 subdivision shall not apply to service performed in a program established for or on behalf of an  
251 employer or group of employers;

252 (16) Services performed by a licensed real estate salesperson or licensed real estate  
253 broker if [at least eighty percent] **substantially all** of the remuneration, whether or not paid in  
254 cash, for the services performed, rather than to the number of hours worked, is directly related  
255 to sales **or other output, including the performance of services**, performed pursuant to a  
256 written contract between such individual and the person for whom the services are performed  
257 and such contract provides that the individual will not be treated as an employee with respect to  
258 such services for federal tax purposes;

259 (17) Services performed as a direct seller who is engaged in the trade or business of the  
260 delivering or distribution of newspapers or shopping news, including any services directly related  
261 to such trade or business, or services performed as a direct seller who is engaged in the trade or  
262 business of selling, or soliciting the sale of, consumer products in the home or otherwise than in,  
263 or affiliated with, a permanent, fixed retail establishment, if eighty percent or more of the  
264 remuneration, whether or not paid in cash, for the services performed rather than the number of  
265 hours worked is directly related to sales performed pursuant to a written contract between such  
266 direct seller and the person for whom the services are performed, and such contract provides that

267 the individual will not be treated as an employee with respect to such services for federal tax  
268 purposes;

269 (18) Services performed as a volunteer research subject who is paid on a per study basis  
270 for scientific, medical or drug-related testing for any organization other than one described in  
271 Section 501(c)(3) of the Internal Revenue Code or any governmental entity.

272 13. The term "employment" shall include domestic service as defined in subdivisions  
273 (2) and (13) of subsection 12 of this section performed after December 31, 1977, if the  
274 employing unit for which such service is performed paid cash wages of one thousand dollars or  
275 more for such services in any calendar quarter after December 31, 1977.

276 14. The term "employment" shall include or exclude the entire service of an individual  
277 for an employing unit during a pay period in which such individual's services are not all excluded  
278 under the foregoing provisions, on the following basis: if the services performed during one-half  
279 or more of any pay period constitute employment as otherwise defined in this law, all the  
280 services performed during such period shall be deemed to be employment; but if the services  
281 performed during more than one-half of any such pay period do not constitute employment as  
282 otherwise defined in this law, then none of the services for such period shall be deemed to be  
283 employment. (As used in this subsection, the term "pay period" means a period of not more than  
284 thirty-one consecutive days for which a payment of remuneration is ordinarily made to the  
285 individual by the employing unit employing such individual.) This subsection shall not be  
286 applicable with respect to service performed in a pay period where any such service is excluded  
287 pursuant to subdivision (8) of subsection 12 of this section.

288 15. The term "employment" shall not include the services of a full-time student who  
289 performed such services in the employ of an organized summer camp for less than thirteen  
290 calendar weeks in such calendar year.

291 16. For the purpose of subsection 15 of this section, an individual shall be treated as a  
292 full-time student for any period:

293 (1) During which the individual is enrolled as a full-time student at an educational  
294 institution; or

295 (2) Which is between academic years or terms if:

296 (a) The individual was enrolled as a full-time student at an educational institution for the  
297 immediately preceding academic year or term; and

298 (b) There is a reasonable assurance that the individual will be so enrolled for the  
299 immediately succeeding academic year or term after the period described in paragraph (a) of this  
300 subdivision.

301 17. For the purpose of subsection 15 of this section, an "organized summer camp" shall  
302 mean a summer camp which:

303 (1) Did not operate for more than seven months in the calendar year and did not operate  
304 for more than seven months in the preceding calendar year; or

305 (2) Had average gross receipts for any six months in the preceding calendar year which  
306 were not more than thirty-three and one-third percent of its average gross receipts for the other  
307 six months in the preceding calendar year.

308 18. The term "employment" shall not mean service performed by a remodeling  
309 salesperson acting as an independent contractor; however, if the federal Internal Revenue Service  
310 determines that a contractual relationship between a direct provider and an individual acting as  
311 an independent contractor pursuant to the provisions of this subsection is in fact an  
312 employer-employee relationship for the purposes of federal law, then that relationship shall be  
313 considered as an employer-employee relationship for the purposes of this chapter.

301.146. 1. Any federal, state, county or municipal law enforcement or public safety  
2 agency, **or those persons vested by article V, section 1 of the Constitution of Missouri with**  
3 **the judicial power of the state and those persons vested by Article III of the Constitution**  
4 **of the United States with the judicial power of the United States, the members of the**  
5 **federal judiciary**, may request the issuance of special license plates and drivers licenses. Upon  
6 receipt of such a request, the director of revenue shall determine whether or not the special  
7 license plates and drivers licenses are to be used for a legitimate law enforcement or public safety  
8 purpose and if he so determines then the director of revenue shall issue the special license plates  
9 and drivers licenses subject to such conditions as he shall decide, in a form prescribed by the  
10 advisory committee established in section 301.129, except that such license plates shall be made  
11 with fully reflective material with a common color scheme and design, shall be clearly visible  
12 at night, and shall be aesthetically attractive, as prescribed by section 301.130. All decisions of  
13 the director of revenue relating to the special law enforcement or public safety license plates or  
14 drivers licenses shall be final.

15 2. Notwithstanding any other provision of law to the contrary, records pertaining to the  
16 request for, issuance of, retention of or disposal of special license plates and drivers licenses  
17 issued for law enforcement or public safety purposes as provided for in this section shall not be  
18 subject to public disclosure and shall be held by the department of revenue in such a way as to  
19 keep these records confidential.

**306.532. The certificate of title for a new outboard motor shall designate the year**  
2 **the outboard motor was manufactured as the "Year Manufactured" and shall further**  
3 **designate the year the dealer received the new outboard motor from the manufacturer as**  
4 **the "Model Year-NEW". This section shall become effective on January 1, 2011.**

339.010. 1. A "real estate broker" is any person, partnership, **limited partnership**,  
2 **limited liability company**, association, **professional corporation**, or corporation, foreign or

3 domestic who, for another, and for a compensation or valuable consideration, does, or attempts  
4 to do, any or all of the following:

5 (1) Sells, exchanges, purchases, rents, or leases real estate;

6 (2) Offers to sell, exchange, purchase, rent or lease real estate;

7 (3) Negotiates or offers or agrees to negotiate the sale, exchange, purchase, rental or  
8 leasing of real estate;

9 (4) Lists or offers or agrees to list real estate for sale, lease, rental or exchange;

10 (5) Buys, sells, offers to buy or sell or otherwise deals in options on real estate or  
11 improvements thereon;

12 (6) Advertises or holds himself or herself out as a licensed real estate broker while  
13 engaged in the business of buying, selling, exchanging, renting, or leasing real estate;

14 (7) Assists or directs in the procuring of prospects, calculated to result in the sale,  
15 exchange, leasing or rental of real estate;

16 (8) Assists or directs in the negotiation of any transaction calculated or intended to result  
17 in the sale, exchange, leasing or rental of real estate;

18 (9) Engages in the business of charging to an unlicensed person an advance fee in  
19 connection with any contract whereby the real estate broker undertakes to promote the sale of  
20 that person's real estate through its listing in a publication issued for such purpose intended to  
21 be circulated to the general public;

22 (10) Performs any of the foregoing acts on behalf of the owner of real estate, or interest  
23 therein, or improvements affixed thereon, for compensation.

24 2. A "real estate salesperson" is any person, **partnership, limited partnership, limited**  
25 **liability company, association, professional corporation, or corporation, domestic or**  
26 **foreign** who for a compensation or valuable consideration becomes associated, either as an  
27 independent contractor or employee, either directly or indirectly, with a real estate broker to do  
28 any of the things above mentioned. The provisions of sections 339.010 to 339.180 and sections  
29 339.710 to 339.860 shall not be construed to deny a real estate salesperson who is compensated  
30 solely by commission the right to be associated with a broker as an independent contractor.

31 3. A "real estate broker-salesperson" is any person, **partnership, limited**  
32 **partnership, limited liability company, association, professional corporation, or**  
33 **corporation, domestic or foreign, who has a real estate broker license in good standing,**  
34 **who for a compensation or valuable consideration becomes associated, either as an**  
35 **independent contractor or employee, either directly or indirectly, with a real estate broker**  
36 **to do any of the things above mentioned. A real estate broker-salesperson may not also**  
37 **operate as a real estate broker. The provisions of sections 339.010 to 339.180 and sections**  
38 **339.710 to 339.860 shall not be construed to deny a real estate salesperson who is**

39 **compensated solely by commission the right to be associated with a broker as an**  
40 **independent contractor.**

41 [3.] 4. The term "commission" as used in sections 339.010 to 339.180 and sections  
42 339.710 to 339.860 means the Missouri real estate commission.

43 [4.] 5. "Real estate" for the purposes of sections 339.010 to 339.180 and sections  
44 339.710 to 339.860 shall mean, and include, leaseholds, as well as any other interest or estate in  
45 land, whether corporeal, incorporeal, freehold or nonfreehold, and the real estate is situated in  
46 this state.

47 [5.] 6. "Advertising" shall mean any communication, whether oral or written, between  
48 a licensee or other entity acting on behalf of one or more licensees and the public, and shall  
49 include, but not be limited to, business cards, signs, insignias, letterheads, radio, television,  
50 newspaper and magazine ads, Internet advertising, websites, display or group ads in telephone  
51 directories, and billboards.

52 [6.] 7. The provisions of sections 339.010 to 339.180 and sections 339.710 to 339.860  
53 shall not apply to:

54 (1) Any person, partnership, **limited partnership, limited liability company,**  
55 association, **professional corporation,** or corporation who as owner, lessor, or lessee shall  
56 perform any of the acts described in subsection 1 of this section with reference to property owned  
57 or leased by them, or to the regular employees thereof;

58 (2) Any licensed attorney-at-law;

59 (3) An auctioneer employed by the owner of the property;

60 (4) Any person acting as receiver, trustee in bankruptcy, administrator, executor, or  
61 guardian or while acting under a court order or under the authority of a will, trust instrument or  
62 deed of trust or as a witness in any judicial proceeding or other proceeding conducted by the state  
63 or any governmental subdivision or agency;

64 (5) Any person employed or retained to manage real property by, for, or on behalf of the  
65 agent or the owner of any real estate shall be exempt from holding a license, if the person is  
66 limited to one or more of the following activities:

67 (a) Delivery of a lease application, a lease, or any amendment thereof, to any person;

68 (b) Receiving a lease application, lease, or amendment thereof, a security deposit, rental  
69 payment, or any related payment, for delivery to, and made payable to, a broker or owner;

70 (c) Showing a rental unit to any person, as long as the employee is acting under the direct  
71 instructions of the broker or owner, including the execution of leases or rental agreements;

72 (d) Conveying information prepared by a broker or owner about a rental unit, a lease, an  
73 application for lease, or the status of a security deposit, or the payment of rent, by any person;



74 (e) Assisting in the performance of brokers' or owners' functions, administrative, clerical  
75 or maintenance tasks;

76 (f) If the person described in this section is employed or retained by, for, or on behalf of  
77 a real estate broker, the real estate broker shall be subject to discipline under this chapter for any  
78 conduct of the person that violates this chapter or the regulations promulgated thereunder;

79 (6) Any officer or employee of a federal agency or the state government or any political  
80 subdivision thereof performing official duties;

81 (7) Railroads and other public utilities regulated by the state of Missouri, or their  
82 subsidiaries or affiliated corporations, or to the officers or regular employees thereof, unless  
83 performance of any of the acts described in subsection 1 of this section is in connection with the  
84 sale, purchase, lease or other disposition of real estate or investment therein unrelated to the  
85 principal business activity of such railroad or other public utility or affiliated or subsidiary  
86 corporation thereof;

87 (8) Any bank, trust company, savings and loan association, credit union, insurance  
88 company, mortgage banker, or farm loan association organized under the laws of this state or of  
89 the United States when engaged in the transaction of business on its own behalf and not for  
90 others;

91 (9) Any newspaper, magazine, periodical, Internet site, Internet communications, or any  
92 form of communications regulated or licensed by the Federal Communications Commission or  
93 any successor agency or commission whereby the advertising of real estate is incidental to its  
94 operation;

95 (10) Any developer selling Missouri land owned by the developer;

96 (11) Any employee acting on behalf of a nonprofit community, or regional economic  
97 development association, agency or corporation which has as its principal purpose the general  
98 promotion and economic advancement of the community at large, provided that such entity:

99 (a) Does not offer such property for sale, lease, rental or exchange on behalf of another  
100 person or entity;

101 (b) Does not list or offer or agree to list such property for sale, lease, rental or exchange;  
102 or

103 (c) Receives no fee, commission or compensation, either monetary or in kind, that is  
104 directly related to sale or disposal of such properties. An economic developer's normal annual  
105 compensation shall be excluded from consideration as commission or compensation related to  
106 sale or disposal of such properties; or

107 (12) Any neighborhood association, as that term is defined in section 441.500, RSMo,  
108 that without compensation, either monetary or in kind, provides to prospective purchasers or  
109 lessors of property the asking price, location, and contact information regarding properties in and

110 near the association's neighborhood, including any publication of such information in a  
111 newsletter, Internet site, or other medium.

339.020. It shall be unlawful for any person, partnership, **limited partnership, limited liability company**, association, **professional corporation**, or corporation, foreign or domestic, to act as a real estate broker, **real estate broker-salesperson**, or real estate salesperson, or to advertise or assume to act as such without a license first procured from the commission.

339.030. A corporation, partnership, **limited partnership, limited liability company, professional corporation**, or association shall be granted a **broker's, broker-salesperson's, or salesperson's** license when **the required fee is paid and:**

4 (1) **For a real estate broker** individual licenses have been issued to every member,  
5 **general partner, associate, manager, member, or officer** of such partnership, **limited**  
6 **partnership, limited liability company**, association, **professional corporation**, or corporation  
7 who actively participates in its brokerage business and to every person, **partnership, limited**  
8 **partnership, limited liability company, professional corporation, or corporation** who acts  
9 as a salesperson for such partnership, **limited partnership, limited liability company**,  
10 association, **professional corporation**, or corporation [and when the required fee is paid.] , or

11 (2) **For a real estate broker-salesperson when an individual broker-salesperson**  
12 **license has been issued to every general partner, associate, manager, member, or officers**  
13 **of such partnership, limited partnership, limited liability company, association,**  
14 **professional corporation, or corporation who acts as a broker-salesperson, and individual**  
15 **salesperson licenses have been issued to all general partners, associates, managers,**  
16 **members, or officers of such partnership, limited partnership, limited liability company,**  
17 **association, professional corporation, or corporation who act as salesperson, or**

18 (3) **For a real estate salesperson when individual salesperson licenses have been**  
19 **issued to all general partners, associates, managers, members, or officers of such**  
20 **partnership, limited partnership, limited liability company, association, professional**  
21 **corporation, or corporation who act as a salesperson.**

339.040. 1. Licenses shall be granted only to persons who present, and corporations,  
2 associations, [or] partnerships, **limited partnerships and limited liability companies** whose  
3 officers, **professional corporations, managers, associates, [or] general partners, or members**  
4 **who actively participate in such entity's brokerage, broker-salesperson, or salesperson**  
5 **business** present, satisfactory proof to the commission that they:

6 (1) Are persons of good moral character; and

7 (2) Bear a good reputation for honesty, integrity, and fair dealing; and

8 (3) Are competent to transact the business of a broker or salesperson in such a manner  
9 as to safeguard the interest of the public.

10           2. In order to determine an applicant's qualifications to receive a license under sections  
11 339.010 to 339.180 and sections 339.710 to 339.860, the commission shall hold oral or written  
12 examinations at such times and places as the commission may determine.

13           3. Each applicant for a broker or salesperson license shall be at least eighteen years of  
14 age and shall pay the broker examination fee or the salesperson examination fee.

15           4. Each applicant for a broker license shall be required to have satisfactorily completed  
16 the salesperson license examination prescribed by the commission. For the purposes of this  
17 section only, the commission may permit a person who is not associated with a licensed broker  
18 to take the salesperson examination.

19           5. Each application for a broker license shall include a certificate from the applicant's  
20 broker or brokers that the applicant has been actively engaged in the real estate business as a  
21 licensed salesperson for at least two years immediately preceding the date of application, and  
22 shall include a certificate from a school accredited by the commission under the provisions of  
23 section 339.045 that the applicant has, within six months prior to the date of application,  
24 successfully completed the prescribed broker curriculum or broker correspondence course  
25 offered by such school, except that the commission may waive all or part of the requirements set  
26 forth in this subsection when an applicant presents proof of other educational background or  
27 experience acceptable to the commission. **Each application for a broker-salesperson license**  
28 **shall include evidence of the current broker license held by the applicant.**

29           6. Each application for a salesperson license shall include a certificate from a school  
30 accredited by the commission under the provisions of section 339.045 that the applicant has,  
31 within six months prior to the date of application, successfully completed the prescribed  
32 salesperson curriculum or salesperson correspondence course offered by such school, except that  
33 the commission may waive all or part of the educational requirements set forth in this subsection  
34 when an applicant presents proof of other educational background or experience acceptable to  
35 the commission.

36           7. The commission may issue a temporary work permit pending final review and printing  
37 of the license to an applicant who appears to have satisfied the requirements for licenses. The  
38 commission may, at its discretion, withdraw the work permit at any time.

39           8. Every active broker, **broker-salesperson**, salesperson, officer, **manager**, **general**  
40 **partner**, **member** or associate shall provide upon request to the commission evidence that during  
41 the two years preceding he or she has completed twelve hours of real estate instruction in courses  
42 approved by the commission. The commission may, by rule and regulation, provide for  
43 individual waiver of this requirement.

44           9. Each entity that provides continuing education required under the provisions of  
45 subsection 8 of this section may make available instruction courses that the entity conducts

46 through means of distance delivery. The commission shall by rule set standards for such courses.  
47 The commission may by regulation require the individual completing such distance-delivered  
48 course to complete an examination on the contents of the course. Such examination shall be  
49 designed to ensure that the licensee displays adequate knowledge of the subject matter of the  
50 course, and shall be designed by the entity producing the course and approved by the  
51 commission.

52 10. In the event of the death or incapacity of a licensed broker, or of one or more of the  
53 licensed **general** partners, officers, **managers, members** or associates of a real estate  
54 partnership, **limited partnership, limited liability company, professional corporation,**  
55 corporation, or association whereby the affairs of the broker, partnership, [or] **limited**  
56 **partnership, limited liability company, professional corporation,** corporation, **or association**  
57 cannot be carried on, the commission may issue, without examination or fee, to the legal  
58 representative or representatives of the deceased or incapacitated individual, or to another  
59 individual approved by the commission, a temporary broker license which shall authorize such  
60 individual to continue for a period to be designated by the commission to transact business for  
61 the sole purpose of winding up the affairs of the broker, partnership [or] , **limited partnership,**  
62 **limited liability company, professional corporation,** corporation, **or association** under the  
63 supervision of the commission.

339.080. 1. The commission may refuse to examine or issue a license to any person  
2 known by it to be guilty of any of the acts or practices specified in subsection 2 of section  
3 339.100, or to any person previously licensed whose license has been revoked, or may refuse to  
4 issue a license to any association [or] , partnership, **corporation, professional corporation,**  
5 **limited partnership, or limited liability company** of which such person is a [member]  
6 **manager, officer or general partner, or in which as a member, partner or associates such**  
7 **person has or exercises a controlling interest either directly or indirectly,** or to any  
8 corporation of which such person is an officer or in which as a stockholder such person has or  
9 exercises a controlling interest either directly or indirectly.

10 2. Any person denied a license or the right to be examined shall be so notified by the  
11 commission in writing stating the reasons for denial or refusal to examine and informing the  
12 person so denied of his right to file a complaint with the administrative hearing commission in  
13 accordance with the applicable provisions of sections 621.015 to 621.198, RSMo, and the rules  
14 promulgated thereunder. All notices hereunder shall be sent by registered or certified mail to the  
15 last known address of the applicant.

339.110. The commission may refuse to issue a license to any person who is known by  
2 it to have been found guilty of forgery, embezzlement, obtaining money under false pretenses,  
3 extortion, criminal conspiracy to defraud, or other like offense, or to any association [or] ,

4 partnership, **corporation, professional corporation, limited partnership, or limited liability**  
5 **company** of which [the person is a member] **such person is a manager, officer or general**  
6 **partner, or in which as a member, partner or associate such person has or exercises a**  
7 **controlling interest either directly or indirectly**, or to any corporation of which [the] **such**  
8 person is an officer or in which as a stockholder [the] **such** person has or exercises a controlling  
9 interest either directly or indirectly.

339.160. No person, partnership, **limited partnership, limited liability company,**  
2 **professional corporations,** corporation[, ] or association engaged within this state in the business  
3 or acting in the capacity of a real estate broker, **real estate broker-salesperson** or real estate  
4 salesperson shall bring or maintain an action in any court in this state for the recovery of  
5 compensation for services rendered in the buying, selling, exchanging, leasing, renting or  
6 negotiating a loan upon any real estate without alleging and proving that such person,  
7 partnership, **limited partnership, limited liability company, professional corporation,**  
8 corporation[, ] or association, **or its member, manager, officer, general partner or associate**  
9 **(as applicable)**, was a licensed real estate broker, **broker-salesperson** or salesperson at the time  
10 when the alleged cause of action arose.

339.170. Any person or corporation, **professional corporation, partnership, limited**  
2 **partnership, limited liability company or association** knowingly violating any provision of  
3 sections 339.010 to 339.180 and sections 339.710 to 339.860 shall be guilty of a class B  
4 misdemeanor. Any officer or agent of a corporation, or **any member, manager, officer,**  
5 **associate, general partner** or agent of a partnership [or] , association, **corporation,**  
6 **professional corporation, limited partnership, or limited liability company who actively**  
7 **participate in such entity's brokerage business**, who shall knowingly and personally  
8 participate in or be an accessory to any violation of sections 339.010 to 339.180 and sections  
9 339.710 to 339.860, shall be guilty of a class B misdemeanor. This section shall not be  
10 construed to release any person from civil liability or criminal prosecution under any other law  
11 of this state. The commission may cause complaint to be filed for violation of section 339.020  
12 in any court of competent jurisdiction, and perform such other acts as may be necessary to  
13 enforce the provisions hereof.

339.710. For purposes of sections 339.010 to 339.180, and sections 339.710 to 339.860,  
2 the following terms mean:

3 (1) "Adverse material fact", a fact related to the property not reasonably ascertainable  
4 or known to a party which negatively affects the value of the property. Adverse material facts  
5 may include matters pertaining to:

6 (a) Environmental hazards affecting the property;

7 (b) Physical condition of the property which adversely affects the value of the property;

- 8 (c) Material defects in the property;
- 9 (d) Material defects in the title to the property;
- 10 (e) Material limitation of the party's ability to perform under the terms of the contract;
- 11 (2) "Affiliated licensee", any broker or salesperson who works under the supervision of
- 12 a designated broker;
- 13 (3) "Agent", a person or entity acting pursuant to the provisions of this chapter;
- 14 (4) "Broker disclosure form", the current form prescribed by the commission for
- 15 presentation to a seller, landlord, buyer or tenant who has not entered into a written agreement
- 16 for brokerage services;
- 17 (5) "Brokerage relationship", the relationship created between a designated broker, the
- 18 broker's affiliated licensees, and a client relating to the performance of services of a broker as
- 19 defined in section 339.010, and sections 339.710 to 339.860. If a designated broker makes an
- 20 appointment of an affiliated licensee or affiliated licensees pursuant to section 339.820, such
- 21 brokerage relationships are created between the appointed licensee or licensees and the client.
- 22 Nothing in this subdivision shall:
- 23 (a) Alleviate the designated broker from duties of supervision of the appointed licensee
- 24 or licensees; or
- 25 (b) Alter the designated broker's underlying contractual agreement with the client;
- 26 (6) "Client", a seller, landlord, buyer, or tenant who has entered into a brokerage
- 27 relationship with a licensee pursuant to sections 339.710 to 339.860;
- 28 (7) "Commercial real estate", any real estate other than real estate containing one to four
- 29 residential units or real estate classified as agricultural and horticultural property for assessment
- 30 purposes pursuant to section 137.016, RSMo. Commercial real estate does not include single
- 31 family residential units including condominiums, townhouses, or homes in a subdivision when
- 32 that real estate is sold, leased, or otherwise conveyed on a unit-by-unit basis even though the
- 33 units may be part of a larger building or parcel of real estate containing more than four units;
- 34 (8) "Commission", the Missouri real estate commission;
- 35 (9) "Confidential information", information obtained by the licensee from the client and
- 36 designated as confidential by the client, information made confidential by sections 339.710 to
- 37 339.860 or any other statute or regulation, or written instructions from the client unless the
- 38 information is made public or becomes public by the words or conduct of the client to whom the
- 39 information pertains or by a source other than the licensee;
- 40 (10) "Customer", an actual or potential seller, landlord, buyer, or tenant in a real estate
- 41 transaction in which a licensee is involved but who has not entered into a brokerage relationship
- 42 with the licensee;

43 (11) "Designated agent", a licensee named by a designated broker as the limited agent  
44 of a client as provided for in section 339.820;

45 (12) "Designated broker", any individual licensed as a broker who is operating pursuant  
46 to the definition of real estate broker as defined in section 339.010, or any individual licensed  
47 as a broker who is appointed by a partnership, **limited partnership**, association, limited liability  
48 corporation, **professional corporation**, or a corporation engaged in the real estate brokerage  
49 business to be responsible for the acts of the partnership, **limited partnership**, association,  
50 limited liability [corporation,] **company, professional corporation** or corporation. Every real  
51 estate **broker** partnership, **limited partnership**, association, [or] limited liability [corporation]  
52 **company, professional corporation** or corporation shall appoint a designated broker;

53 (13) "Designated transaction broker", a licensee named by a designated broker or deemed  
54 appointed by a designated broker as the transaction broker for a client pursuant to section  
55 339.820;

56 (14) "Dual agency", a form of agency which may result when an agent licensee or  
57 someone affiliated with the agent licensee represents another party to the same transaction;

58 (15) "Dual agent", a limited agent who, with the written consent of all parties to a  
59 contemplated real estate transaction, has entered into an agency brokerage relationship, and not  
60 a transaction brokerage relationship, with and therefore represents both the seller and buyer or  
61 both the landlord and tenant;

62 (16) "Exclusive brokerage agreement", means a written brokerage agreement which  
63 provides that the broker has the sole right, through the broker or through one or more affiliated  
64 licensees, to act as the exclusive limited agent, representative, or transaction broker of the client  
65 or customer that meets the requirements of section 339.780;

66 (17) "Licensee", a real estate broker or salesperson as defined in section 339.010;

67 (18) "Limited agent", a licensee whose duties and obligations to a client are those set  
68 forth in sections 339.730 to 339.750;

69 (19) "Ministerial acts", those acts that a licensee may perform for a person or entity that  
70 are informative in nature and do not rise to the level which requires the creation of a brokerage  
71 relationship. Examples of these acts include, but are not limited to:

72 (a) Responding to telephone inquiries by consumers as to the availability and pricing of  
73 brokerage services;

74 (b) Responding to telephone inquiries from a person concerning the price or location of  
75 property;

76 (c) Attending an open house and responding to questions about the property from a  
77 consumer;

78 (d) Setting an appointment to view property;

79 (e) Responding to questions of consumers walking into a licensee's office concerning  
80 brokerage services offered on particular properties;

81 (f) Accompanying an appraiser, inspector, contractor, or similar third party on a visit to  
82 a property;

83 (g) Describing a property or the property's condition in response to a person's inquiry;

84 (h) Showing a customer through a property being sold by an owner on his or her own  
85 behalf; or

86 (i) Referral to another broker or service provider;

87 (20) "Residential real estate", all real property improved by a structure that is used or  
88 intended to be used primarily for residential living by human occupants and that contains not  
89 more than four dwelling units or that contains single dwelling units owned as a condominium  
90 or in a cooperative housing association, and vacant land classified as residential property. The  
91 term "cooperative housing association" means an association, whether incorporated or  
92 unincorporated, organized for the purpose of owning and operating residential real property in  
93 Missouri, the shareholders or members of which, by reason of their ownership of a stock or  
94 membership certificate, a proprietary lease, or other evidence of membership, are entitled to  
95 occupy a dwelling unit pursuant to the terms of a proprietary lease or occupancy agreement;

96 (21) "Single agent", a licensee who has entered into a brokerage relationship with and  
97 therefore represents only one party in a real estate transaction. A single agent may be one of the  
98 following:

99 (a) "Buyer's agent", which shall mean a licensee who represents the buyer in a real estate  
100 transaction;

101 (b) "Landlord's agent", which shall mean a licensee who represents a landlord in a  
102 leasing transaction;

103 (c) "Seller's agent", which shall mean a licensee who represents the seller in a real estate  
104 transaction; and

105 (d) "Tenant's agent", which shall mean a licensee who represents the tenant in a leasing  
106 transaction;

107 (22) "Subagent", a designated broker, together with the broker's affiliated licensees,  
108 engaged by another designated broker, together with the broker's affiliated or appointed affiliated  
109 licensees, to act as a limited agent for a client, or a designated broker's unappointed affiliated  
110 licensees engaged by the designated broker, together with the broker's appointed affiliated  
111 licensees, to act as a limited agent for a client. A subagent owes the same obligations and  
112 responsibilities to the client pursuant to sections 339.730 to 339.740 as does the client's  
113 designated broker;



114 (23) "Transaction broker", any licensee acting pursuant to sections 339.710 to 339.860,  
115 who:

116 (a) Assists the parties to a transaction without an agency or fiduciary relationship to  
117 either party and is, therefore, neutral, serving neither as an advocate or advisor for either party  
118 to the transaction;

119 (b) Assists one or more parties to a transaction and who has not entered into a specific  
120 written agency agreement to represent one or more of the parties; or

121 (c) Assists another party to the same transaction either solely or through licensee  
122 affiliates. Such licensee shall be deemed to be a transaction broker and not a dual agent,  
123 provided that, notice of assumption of transaction broker status is provided to the buyer and  
124 seller immediately upon such default to transaction broker status, to be confirmed in writing prior  
125 to execution of the contract.

**339.845. If the commission receives a notice of delinquent taxes from the director  
2 of revenue under the provisions of section 324.010 regarding a real estate broker or  
3 salesperson, the commission shall immediately send a copy of such notice to the real estate  
4 broker with which the real estate broker or salesperson is associated.**

**441.645. If a residence is destroyed by an act of God, including but not limited to  
2 fire or a tornado, or other natural disaster or man-made disaster, so long as the tenant was  
3 not the person who caused the disaster, the tenant shall not be liable to the landlord for  
4 rent during the remainder of the term of the lease agreement.**

452.377. 1. For purposes of this section and section 452.375, "relocate" or "relocation"  
2 means a change in the principal residence of a child for a period of ninety days or more, but does  
3 not include a temporary absence from the principal residence.

4 2. Notice of a proposed relocation of the residence of the child, or any party entitled to  
5 custody or visitation of the child, shall be given in writing by certified mail, return receipt  
6 requested, to any party with custody or visitation rights. Absent exigent circumstances as  
7 determined by a court with jurisdiction, written notice shall be provided at least sixty days in  
8 advance of the proposed relocation. The notice of the proposed relocation shall include the  
9 following information:

10 (1) The intended new residence, including the specific address and mailing address, if  
11 known, and if not known, the city;

12 (2) The home telephone number of the new residence, if known;

13 (3) The date of the intended move or proposed relocation;

14 (4) A brief statement of the specific reasons for the proposed relocation of a child, if  
15 applicable; and

16 (5) A proposal for a revised schedule of custody or visitation with the child, if  
17 applicable.

18 3. A party required to give notice of a proposed relocation pursuant to subsection 2 of  
19 this section has a continuing duty to provide a change in or addition to the information required  
20 by this section as soon as such information becomes known.

21 4. In exceptional circumstances where the court makes a finding that the health or safety  
22 of any adult or child would be unreasonably placed at risk by the disclosure of the required  
23 identifying information concerning a proposed relocation of the child, the court may order that:

24 (1) The specific residence address and telephone number of the child, parent or person,  
25 and other identifying information shall not be disclosed in the pleadings, notice, other documents  
26 filed in the proceeding or the final order except for an in camera disclosure;

27 (2) The notice requirements provided by this section shall be waived to the extent  
28 necessary to protect the health or safety of a child or any adult; or

29 (3) Any other remedial action the court considers necessary to facilitate the legitimate  
30 needs of the parties and the best interest of the child.

31 5. The court shall consider a failure to provide notice of a proposed relocation of a child  
32 as:

33 (1) A factor in determining whether custody and visitation should be modified;

34 (2) A basis for ordering the return of the child if the relocation occurs without notice;  
35 and

36 (3) Sufficient cause to order the party seeking to relocate the child to pay reasonable  
37 expenses and attorneys fees incurred by the party objecting to the relocation.

38 6. If the parties agree to a revised schedule of custody and visitation for the child, which  
39 includes a parenting plan, they may submit the terms of such agreement to the court with a  
40 written affidavit signed by all parties with custody or visitation assenting to the terms of the  
41 agreement, and the court may order the revised parenting plan and applicable visitation schedule  
42 without a hearing.

43 7. The residence of the child may be relocated sixty days after providing notice, as  
44 required by this section, unless a parent files a motion seeking an order to prevent the relocation  
45 within thirty days after receipt of such notice. Such motion shall be accompanied by an affidavit  
46 setting forth the specific factual basis supporting a prohibition of the relocation. The person  
47 seeking relocation shall file a response to the motion within fourteen days, unless extended by  
48 the court for good cause, and include a counter-affidavit setting forth the facts in support of the  
49 relocation as well as a proposed revised parenting plan for the child.

50           8. If relocation of the child is proposed, a third party entitled by court order to legal  
51 custody of or visitation with a child and who is not a parent may file a cause of action to obtain  
52 a revised schedule of legal custody or visitation, but shall not prevent a relocation.

53           9. The party seeking to relocate shall have the burden of proving that the proposed  
54 relocation is made in good faith and is in the best interest of the child.

55           10. If relocation is permitted:

56           (1) The court shall order contact with the nonrelocating party including custody or  
57 visitation and telephone access sufficient to assure that the child has frequent, continuing and  
58 meaningful contact with the nonrelocating party unless the child's best interest warrants  
59 otherwise; and

60           (2) The court shall specify how the transportation costs will be allocated between the  
61 parties and adjust the child support, as appropriate, considering the costs of transportation.

62           11. After August 28, 1998, every court order establishing or modifying custody or  
63 visitation shall include the following language: "Absent exigent circumstances as determined  
64 by a court with jurisdiction, you, as a party to this action, are ordered to notify, in writing by  
65 certified mail, return receipt requested, and at least sixty days prior to the proposed relocation,  
66 each party to this action of any proposed relocation of the principal residence of the child,  
67 including the following information:

68           (1) The intended new residence, including the specific address and mailing address, if  
69 known, and if not known, the city;

70           (2) The home telephone number of the new residence, if known;

71           (3) The date of the intended move or proposed relocation;

72           (4) A brief statement of the specific reasons for the proposed relocation of the child; and

73           (5) A proposal for a revised schedule of custody or visitation with the child.

74

75 Your obligation to provide this information to each party continues as long as you or any other  
76 party by virtue of this order is entitled to custody of a child covered by this order. Your failure  
77 to obey the order of this court regarding the proposed relocation may result in further litigation  
78 to enforce such order, including contempt of court. In addition, your failure to notify a party of  
79 a relocation of the child may be considered in a proceeding to modify custody or visitation with  
80 the child. Reasonable costs and attorney fees may be assessed against you if you fail to give the  
81 required notice. **The residence of the child may be relocated sixty days after providing**  
82 **notice, as required in this section, unless a parent files a motion seeking an order to prevent**  
83 **the relocation within thirty days after receipt of such notice. Such motion shall be**  
84 **accompanied by an affidavit setting forth the specific factual basis supporting a prohibition**  
85 **of the relocation. The person seeking relocation shall file a response to the motion within**

86 **fourteen days, unless extended by the court for good cause, and include a counter-affidavit**  
87 **setting forth the facts in support of the relocation as well as a proposed revised parenting**  
88 **plan for the child."**

89 12. Violation of the provisions of this section or a court order under this section may be  
90 deemed a change of circumstance under section 452.410, allowing the court to modify the prior  
91 custody decree. In addition, the court may utilize any and all powers relating to contempt  
92 conferred on it by law or rule of the Missouri supreme court.

93 13. Any party who objects in good faith to the relocation of a child's principal residence  
94 shall not be ordered to pay the costs and attorney's fees of the party seeking to relocate.

452.430. Any pleadings, other than the interlocutory or final judgment, **or any**  
2 **modification thereof**, in a dissolution of marriage [or] , legal separation, **or motion to modify**  
3 filed prior to August 28, 2009, shall be subject to inspection only by the parties or an attorney  
4 of record or upon order of the court for good cause shown, **by any person or designee of a**  
5 **person licensed and acting under chapter 381 who shall keep any information obtained**  
6 **confidential except as necessary to the performance of functions required by chapter 381,**  
7 or by the family support division within the department of social services when services are  
8 being provided under section 454.400, RSMo. **Such persons may also receive or make copies**  
9 **of documents without requiring the clerk to redact information unless specifically ordered**  
10 **to do so by the court. Any pleadings, other than the interlocutory or final judgment, or any**  
11 **modification thereof, in a dissolution of marriage, legal separation, or motion to modify**  
12 **filed prior to August 28, 2009, shall be subject to inspection by the public only if the clerk**  
13 **has redacted the Social Security number from such pleadings or filings. The clerk upon**  
14 **request** shall redact the Social Security number from any **filings**, judgment or pleading before  
15 releasing the **filings, pleadings, or** interlocutory or final judgment to the public.

454.425. 1. The **family support** division [of child support enforcement] shall render  
2 child support services authorized pursuant to this chapter to persons who are not recipients of  
3 public assistance as well as to such recipients. Services may be provided to children, custodial  
4 parents, noncustodial parents and other persons entitled to receive support. An application may  
5 be required by the division for services and fees may be charged by the division pursuant to 42  
6 U.S.C. section 654 and federal regulations. Services provided under a state plan shall be made  
7 available to residents of other states on the same terms as residents of this state. If a family  
8 receiving services ceases to receive assistance under a state program funded under Part A of Title  
9 IV of the Social Security Act, the division shall provide appropriate notice to such family, and  
10 services shall continue under the same terms and conditions as that provided to other individuals  
11 under the state plan, except that an application for continued services shall not be required and  
12 the requirement for payment of fees shall not apply to the family.

13           **2. The division shall charge a fee in the amount of sixty dollars to an obligee or**  
14 **obligor who requests that the division review a support order under subdivision (13) of**  
15 **subsection 2 of section 454.400 for the purpose of determining whether a modification to**  
16 **the support order is appropriate. The division shall not initiate a review until the**  
17 **requestor pays the review fee. After the division initiates a review, the fee is**  
18 **nonrefundable, regardless of the outcome of the review. The division shall waive the**  
19 **review fee if the requestor has an individual gross monthly income of less than two**  
20 **hundred fifty percent of the federal poverty level based on a household size of one, if the**  
21 **requestor currently or formerly received assistance under a state program funded under**  
22 **Part A of Title IV of the federal Social Security Act or if the fee is otherwise prohibited by**  
23 **state or federal law.**

24           **3. The division shall charge a fee to an obligee or obligor who requests that the**  
25 **division modify a support order after the division has determined that a modification is**  
26 **appropriate and that such modification can be completed under this chapter. The division**  
27 **shall not initiate a modification until the requestor pays the modification fee. After the**  
28 **division initiates a modification, the fee is nonrefundable, regardless of the outcome of the**  
29 **modification action. The division shall waive the modification fee if the requestor has an**  
30 **individual gross monthly income of less than two hundred fifty percent of the federal**  
31 **poverty level based on a household size of one, if the requestor currently or formerly**  
32 **received assistance under a state program funded under Part A of Title IV of the federal**  
33 **Social Security Act or if the fee is otherwise prohibited by state or federal law. When**  
34 **appropriate to charge a modification fee under this section, the modification fee shall be**  
35 **in the amount of:**

36           **(1) One hundred seventy-five dollars if the requestor has an individual gross**  
37 **monthly income equal to or greater than two hundred fifty percent of the federal poverty**  
38 **level but less than four hundred percent of the federal poverty level based on a household**  
39 **size of one; or**

40           **(2) Three hundred fifty dollars if the requestor has an individual gross monthly**  
41 **income equal to or greater than four hundred percent of the federal poverty level based on**  
42 **a household size of one.**

43           **4. The division shall charge a fee in the amount of twenty-five dollars for**  
44 **submitting past-due child and spousal support debts for collection through federal income**  
45 **tax refund offset. The fee shall be assessed only if the division collects support on a case**  
46 **through federal income tax refund offset. The fee shall be assessed each time a federal**  
47 **income tax intercept is distributed to a case receiving services under this chapter. The**  
48 **obligor shall receive credit against the support order for the entire federal income tax**

49 **refund offset. The fee shall be collected from the obligee by deducting the fee from the**  
50 **amount payable to the obligee. The division shall waive the federal income tax refund**  
51 **offset fee if the obligee currently or formerly received assistance under a state program**  
52 **funded under Part A of Title IV of the federal Social Security Act or if the fee is otherwise**  
53 **prohibited by state or federal law.**

54 **5. The division shall have the authority to change the amount of the review fee and**  
55 **modification fee under this section by administrative rule under the authority of section**  
56 **454.400. The amount of the review fee and modification fee established by the division by**  
57 **rule shall be based on actual standardized cost in accordance with 45 CFR Section 302.33.**

454.515. 1. A judgment or order for child support or maintenance payable in periodic  
2 installments shall not be a lien on the real estate of the person against whom the judgment or  
3 order is rendered until the person entitled to receive payments pursuant to the judgment or order,  
4 the division or IV-D agency files a lien and the lien is recorded in the office of the circuit clerk  
5 of any county in this state in which such real estate is situated in the manner provided for by the  
6 supreme court and chapter 511, RSMo. Thereafter, the judgment shall become a lien on all real  
7 property of the obligor in such county, owned by the obligor at the time, or which the obligor  
8 may acquire afterwards and before the lien expires.

9 2. Liens pursuant to this section shall commence on the day filed and shall continue for  
10 a period of three years. A judgment creditor, the division or IV-D agency may revive a lien by  
11 filing another lien on or before each three-year anniversary of the original judgment. At the time  
12 each lien is revived, all unpaid installments shall remain a lien for the subsequent three-year  
13 period.

14 3. The lien shall state the name, last known address of the obligor, the **last four digits**  
15 **of the** obligor's Social Security number, the obligor's date of birth, if known, and the amount of  
16 support or maintenance due and unpaid.

17 4. A copy of the lien shall be mailed by the person entitled to receive payments under  
18 the judgment or order, the division or IV-D agency to the last known address of the obligor.

19 5. The person entitled to receive payments pursuant to the judgment or order, the  
20 division or IV-D agency may execute a partial or total release of the liens created by this section,  
21 either generally or as to specific property.

454.548. In addition to any fees imposed pursuant to section 454.425 and if allowed by  
2 federal law, the division [may] **shall** charge and collect a fee of ten dollars from support received  
3 through the payment center for each order for every year or portion of a year during which  
4 payments are received by the payment center. Such fee shall be used to reimburse the state for  
5 the costs associated with processing support payments.

**455.007. Notwithstanding any other provision of law to the contrary, the public interest exception to the mootness doctrine shall apply to an appeal of a full order of protection which has expired.**

455.501. As used in sections 455.500 to 455.538, the following terms mean:

- (1) "Abuse", any physical injury, sexual abuse, or emotional abuse inflicted on a child other than by accidental means by an adult household member, or stalking of a child. Discipline including spanking, administered in a reasonable manner shall not be construed to be abuse;
- (2) "Adult household member", any person [eighteen] **seventeen** years of age or older or an emancipated child who resides with the child in the same dwelling unit;
- (3) "Child", any person under [eighteen] **seventeen** years of age;
- (4) "Court", the circuit or associate circuit judge or a family court commissioner;
- (5) "Ex parte order of protection", an order of protection issued by the court before the respondent has received notice of the petition or an opportunity to be heard on it;
- (6) "Full order of protection", an order of protection issued after a hearing on the record where the respondent has received notice of the proceedings and has had an opportunity to be heard;
- (7) "Order of protection", either an ex parte order of protection or a full order of protection;
- (8) "Petitioner", a person authorized to file a verified petition under the provisions of sections 455.503 and 455.505;
- (9) "Respondent", the adult household member, emancipated child or person stalking the child against whom a verified petition has been filed;
- (10) "Stalking", when an adult purposely and repeatedly engages in an unwanted course of conduct with regard to a child that causes another adult to believe that a child would suffer alarm by the conduct. As used in this subdivision:
  - (a) "Course of conduct" means a pattern of conduct composed of repeated acts over a period of time, however short, that serves no legitimate purpose. Such conduct may include, but is not limited to, following the other person or unwanted communication or contact;
  - (b) "Repeated" means two or more incidents evidencing a continuity of purpose; and
  - (c) "Alarm" means to cause fear of danger of physical harm;
- (11) "Victim", a child who is alleged to have been abused by an adult household member.

476.083. 1. In addition to any appointments made pursuant to section 485.010, RSMo, the presiding judge of each circuit containing one or more facilities operated by the department of corrections with an average total inmate population in all such facilities in the circuit over the previous two years of more than [two] **one** thousand five hundred inmates may appoint a circuit

5 court marshal to aid the presiding judge in the administration of the judicial business of the  
6 circuit by overseeing the physical security of the courthouse, serving court-generated papers and  
7 orders, and assisting the judges of the circuit as the presiding judge determines appropriate. Such  
8 circuit court marshal appointed pursuant to the provisions of this section shall serve at the  
9 pleasure of the presiding judge. The circuit court marshal authorized by this section is in  
10 addition to staff support from the circuit clerks, deputy circuit clerks, division clerks, municipal  
11 clerks, and any other staff personnel which may otherwise be provided by law.

12 2. The salary of a circuit court marshal shall be established by the presiding judge of the  
13 circuit within funds made available for that purpose, but such salary shall not exceed ninety  
14 percent of the salary of the highest paid sheriff serving a county wholly or partially within that  
15 circuit. Personnel authorized by this section shall be paid from state funds or federal grant  
16 moneys which are available for that purpose and not from county funds.

17 3. Any person appointed as a circuit court marshal pursuant to this section shall have at  
18 least five years' prior experience as a law enforcement officer. In addition, any such person shall  
19 within one year after appointment, or as soon as practicable, attend a court security school or  
20 training program operated by the United States Marshal Service. In addition to all other powers  
21 and duties prescribed in this section, a circuit court marshal may:

22 (1) Serve process;

23 (2) Wear a concealable firearm; and

24 (3) Make an arrest based upon local court rules and state law, and as directed by the  
25 presiding judge of the circuit.

525.233. The notice of garnishment and the writ of sequestration shall contain **only the**  
2 **last four digits of** the federal taxpayer identification number, when available, on the judgment  
3 debtor. When the **last four digits of the** federal taxpayer identification number is omitted from  
4 the notice of garnishment or the writ of sequestration the garnishee shall not be held liable for  
5 withholding from the incorrect debtor by the creditor garnishing the funds. The creditor shall  
6 not have any action against the garnishee, when the **last four digits of the** federal taxpayer  
7 identification number is omitted from the notice of garnishment or the writ of sequestration or  
8 does not match the **last four digits of the** federal taxpayer identification, for failure to withhold  
9 from any person the amount stated in the notice of garnishment or the writ of sequestration,  
10 except to serve a notice of garnishment or writ of sequestration for the original amount to the  
11 garnishee with the correct **last four digits of the** federal taxpayer identification number.

537.296. In any action for private nuisance where the amount in controversy exceeds one  
2 million dollars, if any party requests the court or jury to visit the property alleged to be affected  
3 by the nuisance, the court or jury [shall] **may** visit the property.



542.286. 1. **Except for a warrant to search for the blood of a person involved in an accident**, a warrant to search a person or any movable thing may be executed in any part of the state where the person or thing is found if, subsequent to the filing of the application, the person or thing moves or is taken out of the territorial jurisdiction of the judge issuing the warrant

2. **A warrant to search for the blood of a person involved in an accident may be executed in any part of the state where the person whose blood is the subject of the warrant is found regardless of when the person moves or is taken out of the territorial jurisdiction of the court issuing the warrant.**

3. All other search warrants shall be executed within the territorial jurisdiction of the court out of which the warrant issued and within the territorial jurisdiction of the officer executing the warrant.

571.030. 1. A person commits the crime of unlawful use of weapons if he or she knowingly:

(1) Carries concealed upon or about his or her person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use; or

(2) Sets a spring gun; or

(3) Discharges or shoots a firearm into a dwelling house, a railroad train, boat, aircraft, or motor vehicle as defined in section 302.010, RSMo, or any building or structure used for the assembling of people; or

(4) Exhibits, in the presence of one or more persons, any weapon readily capable of lethal use in an angry or threatening manner; or

(5) Possesses or discharges a firearm or projectile weapon while intoxicated; or

(6) Discharges a firearm within one hundred yards of any occupied schoolhouse, courthouse, or church building; or

(7) Discharges or shoots a firearm at a mark, at any object, or at random, on, along or across a public highway or discharges or shoots a firearm into any outbuilding; or

(8) Carries a firearm or any other weapon readily capable of lethal use into any church or place where people have assembled for worship, or into any election precinct on any election day, or into any building owned or occupied by any agency of the federal government, state government, or political subdivision thereof; or

(9) Discharges or shoots a firearm at or from a motor vehicle, as defined in section 301.010, RSMo, discharges or shoots a firearm at any person, or at any other motor vehicle, or at any building or habitable structure, unless the person was lawfully acting in self-defense; or

(10) Carries a firearm, whether loaded or unloaded, or any other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any function or activity sponsored or sanctioned by school officials or the district school board.

26           2. Subdivisions (1), (3), (4), (6), (7), (8), (9) and (10) of subsection 1 of this section shall  
27 not apply to or affect any of the following:

28           (1) All state, county and municipal peace officers who have completed the training  
29 required by the police officer standards and training commission pursuant to sections 590.030  
30 to 590.050, RSMo, and [possessing] **who possess** the duty and power of arrest for violation of  
31 the general criminal laws of the state or for violation of ordinances of counties or municipalities  
32 of the state, whether such officers are on or off duty, and whether such officers are within or  
33 outside of the law enforcement agency's jurisdiction, or all qualified retired peace officers, as  
34 defined in subsection 10 of this section, and who carry the identification defined in subsection  
35 11 of this section, or any person summoned by such officers to assist in making arrests or  
36 preserving the peace while actually engaged in assisting such officer;

37           (2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other  
38 institutions for the detention of persons accused or convicted of crime;

39           (3) Members of the armed forces or national guard while performing their official duty;

40           (4) Those persons vested by article V, section 1 of the Constitution of Missouri with the  
41 judicial power of the state and those persons vested by Article III of the Constitution of the  
42 United States with the judicial power of the United States, the members of the federal judiciary;

43           (5) Any person whose bona fide duty is to execute process, civil or criminal;

44           (6) Any federal probation officer or federal flight deck officer as defined under the  
45 federal flight deck officer program, 49 U.S.C. Section 44921;

46           (7) Any state probation or parole officer, including supervisors and members of the  
47 board of probation and parole;

48           (8) Any corporate security advisor meeting the definition and fulfilling the requirements  
49 of the regulations established by the board of police commissioners under section 84.340, RSMo;  
50 [and]

51           (9) Any coroner, deputy coroner, medical examiner, or assistant medical examiner; **and**

52           **(10) Any prosecuting attorney or assistant prosecuting attorney or any circuit**  
53 **attorney or assistant circuit attorney who has completed the firearms safety training course**  
54 **required under subsection 2 of section 571.111.**

55           3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not apply when  
56 the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when  
57 ammunition is not readily accessible or when such weapons are not readily accessible.  
58 Subdivision (1) of subsection 1 of this section does not apply to any person twenty-one years of  
59 age or older transporting a concealable firearm in the passenger compartment of a motor vehicle,  
60 so long as such concealable firearm is otherwise lawfully possessed, nor when the actor is also  
61 in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in

62 his or her dwelling unit or upon premises over which the actor has possession, authority or  
63 control, or is traveling in a continuous journey peaceably through this state. Subdivision (10)  
64 of subsection 1 of this section does not apply if the firearm is otherwise lawfully possessed by  
65 a person while traversing school premises for the purposes of transporting a student to or from  
66 school, or possessed by an adult for the purposes of facilitation of a school-sanctioned  
67 firearm-related event.

68 4. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to any  
69 person who has a valid concealed carry endorsement issued pursuant to sections 571.101 to  
70 571.121 or a valid permit or endorsement to carry concealed firearms issued by another state or  
71 political subdivision of another state.

72 5. Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10) of subsection 1 of this section shall  
73 not apply to persons who are engaged in a lawful act of defense pursuant to section 563.031,  
74 RSMo.

75 6. Nothing in this section shall make it unlawful for a student to actually participate in  
76 school-sanctioned gun safety courses, student military or ROTC courses, or other  
77 school-sponsored firearm-related events, provided the student does not carry a firearm or other  
78 weapon readily capable of lethal use into any school, onto any school bus, or onto the premises  
79 of any other function or activity sponsored or sanctioned by school officials or the district school  
80 board.

81 7. Unlawful use of weapons is a class D felony unless committed pursuant to subdivision  
82 (6), (7), or (8) of subsection 1 of this section, in which cases it is a class B misdemeanor, or  
83 subdivision (5) or (10) of subsection 1 of this section, in which case it is a class A misdemeanor  
84 if the firearm is unloaded and a class D felony if the firearm is loaded, or subdivision (9) of  
85 subsection 1 of this section, in which case it is a class B felony, except that if the violation of  
86 subdivision (9) of subsection 1 of this section results in injury or death to another person, it is  
87 a class A felony.

88 8. Violations of subdivision (9) of subsection 1 of this section shall be punished as  
89 follows:

90 (1) For the first violation a person shall be sentenced to the maximum authorized term  
91 of imprisonment for a class B felony;

92 (2) For any violation by a prior offender as defined in section 558.016, RSMo, a person  
93 shall be sentenced to the maximum authorized term of imprisonment for a class B felony without  
94 the possibility of parole, probation or conditional release for a term of ten years;

95 (3) For any violation by a persistent offender as defined in section 558.016, RSMo, a  
96 person shall be sentenced to the maximum authorized term of imprisonment for a class B felony  
97 without the possibility of parole, probation, or conditional release;

98           (4) For any violation which results in injury or death to another person, a person shall  
99 be sentenced to an authorized disposition for a class A felony.

100           9. Any person knowingly aiding or abetting any other person in the violation of  
101 subdivision (9) of subsection 1 of this section shall be subject to the same penalty as that  
102 prescribed by this section for violations by other persons.

103           10. As used in this section "qualified retired peace officer" means an individual who:

104           (1) Retired in good standing from service with a public agency as a peace officer, other  
105 than for reasons of mental instability;

106           (2) Before such retirement, was authorized by law to engage in or supervise the  
107 prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any  
108 violation of law, and had statutory powers of arrest;

109           (3) Before such retirement, was regularly employed as a peace officer for an aggregate  
110 of fifteen years or more, or retired from service with such agency, after completing any  
111 applicable probationary period of such service, due to a service-connected disability, as  
112 determined by such agency;

113           (4) Has a nonforfeitable right to benefits under the retirement plan of the agency if such  
114 a plan is available;

115           (5) During the most recent twelve-month period, has met, at the expense of the  
116 individual, the standards for training and qualification for active peace officers to carry firearms;

117           (6) Is not under the influence of alcohol or another intoxicating or hallucinatory drug or  
118 substance; and

119           (7) Is not prohibited by federal law from receiving a firearm.

120           11. The identification required by subdivision (1) of subsection 2 of this section is:

121           (1) A photographic identification issued by the agency from which the individual retired  
122 from service as a peace officer that indicates that the individual has, not less recently than one  
123 year before the date the individual is carrying the concealed firearm, been tested or otherwise  
124 found by the agency to meet the standards established by the agency for training and qualification  
125 for active peace officers to carry a firearm of the same type as the concealed firearm; or

126           (2) A photographic identification issued by the agency from which the individual retired  
127 from service as a peace officer; and

128           (3) A certification issued by the state in which the individual resides that indicates that  
129 the individual has, not less recently than one year before the date the individual is carrying the  
130 concealed firearm, been tested or otherwise found by the state to meet the standards established  
131 by the state for training and qualification for active peace officers to carry a firearm of the same  
132 type as the concealed firearm.

**Section 1. If the commission under section 339.710 receives a notice of delinquent  
2 taxes from the director of revenue under the provisions of section 324.010 regarding a real  
3 estate broker or salesperson, the commission shall immediately send a copy of such notice  
4 to the real estate broker with which the real estate broker or salesperson is associated.**

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