

SECOND REGULAR SESSION  
[TRULY AGREED TO AND FINALLY PASSED]  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE NO. 2 FOR  
**HOUSE BILL NOS. 1692, 1209, 1405,  
1499, 1535 & 1811**  
**95TH GENERAL ASSEMBLY**

4506S.18T

2010

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**AN ACT**

To repeal sections 193.145, 193.265, 208.010, 214.160, 214.270, 214.276, 214.277, 214.283, 214.290, 214.300, 214.310, 214.320, 214.325, 214.330, 214.335, 214.340, 214.345, 214.360, 214.363, 214.365, 214.367, 214.387, 214.392, 214.400, 214.410, 214.500, 214.504, 214.508, 214.512, 214.516, 214.550, 288.034, 327.031, 327.041, 327.272, 327.351, 327.411, 339.010, 339.020, 339.030, 339.040, 339.080, 339.110, 339.160, 339.170, 339.503, 339.710, 452.340, 452.430, 454.475, 454.517, 454.557, 454.1003, 488.429, 537.296, 563.011, 563.031, 571.030, 571.070, 571.104, and 571.107, RSMo, and to enact in lieu thereof one-hundred four new sections relating to real estate, with penalty provisions.

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

Section A. Sections 193.145, 193.265, 208.010, 214.160, 214.270, 214.276, 214.277,  
2 214.283, 214.290, 214.300, 214.310, 214.320, 214.325, 214.330, 214.335, 214.340, 214.345,  
3 214.360, 214.363, 214.365, 214.367, 214.387, 214.392, 214.400, 214.410, 214.500, 214.504,  
4 214.508, 214.512, 214.516, 214.550, 288.034, 327.031, 327.041, 327.272, 327.351, 327.411,  
5 339.010, 339.020, 339.030, 339.040, 339.080, 339.110, 339.160, 339.170, 339.503, 339.710,  
6 452.340, 452.430, 454.475, 454.517, 454.557, 454.1003, 488.429, 537.296, 563.011, 563.031,  
7 571.030, 571.070, 571.104, and 571.107, RSMo, are repealed and one-hundred four new sections

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.

8 enacted in lieu thereof, to be known as sections 60.670, 67.2800, 67.2805, 67.2810, 67.2815,  
9 67.2820, 67.2825, 67.2830, 67.2835, 171.185, 193.145, 193.265, 208.010, 214.160, 214.270,  
10 214.276, 214.277, 214.282, 214.283, 214.300, 214.310, 214.320, 214.325, 214.330, 214.335,  
11 214.340, 214.345, 214.360, 214.363, 214.365, 214.367, 214.387, 214.389, 214.392, 214.400,  
12 214.410, 214.500, 214.504, 214.508, 214.512, 214.516, 214.550, 246.310, 288.034, 306.532,  
13 327.031, 327.041, 327.272, 327.351, 327.411, 339.010, 339.020, 339.030, 339.040, 339.080,  
14 339.110, 339.160, 339.170, 339.503, 339.710, 339.845, 339.1100, 339.1105, 339.1110,  
15 339.1115, 339.1120, 339.1125, 339.1130, 339.1135, 339.1140, 339.1145, 339.1150, 339.1155,  
16 339.1160, 339.1170, 339.1175, 339.1180, 339.1185, 339.1190, 339.1200, 339.1205, 339.1210,  
17 339.1215, 339.1220, 339.1230, 339.1235, 339.1240, 429.016, 441.645, 452.340, 452.430,  
18 454.475, 454.517, 454.557, 454.1003, 488.429, 493.055, 537.296, 563.011, 563.031, 571.030,  
19 571.070, 571.104, and 571.107 to read as follows:

**60.670. 1. As used in this section, the following terms shall mean:**

2 (1) "Cadastral parcel mapping", an accurately delineated identification of all real  
3 property parcels. The cadastral map is based upon the USPLSS. For cadastral parcel  
4 maps the position of the legal framework is derived from the USPLSS, existing tax maps,  
5 and tax database legal descriptions, recorded deeds, recorded surveys, and recorded  
6 subdivision plats.

7 (2) "Digital cadastral parcel mapping", encompasses the concepts of automated  
8 mapping, graphic display and output, data analysis, and data base management as pertains  
9 to cadastral parcel mapping. Digital cadastral parcel mapping systems consist of  
10 hardware, software, data, people, organizations, and institutional arrangements for  
11 collecting, storing, analyzing, and disseminating information about the location and areas  
12 of parcels and the USPLSS;

13 (3) "USPLSS" or "United States public land survey system", a survey executed  
14 under the authority of the United States government as recorded on the official plats and  
15 field notes of the United States public land survey maintained by the land survey program  
16 of the department of natural resources;

17 (4) "Tax map", a document or map for taxation purposes representing the location,  
18 dimensions, and other relevant information pertaining to a parcel of land subject to  
19 property taxes.

20 2. The office of the state land surveyor established within the department of natural  
21 resources shall promulgate rules and regulations establishing minimum standards for  
22 digital cadastral parcel mapping. Any rule or portion of a rule, as that term is defined in  
23 section 536.010, that is created under the authority delegated in this section shall become  
24 effective only if it complies with and is subject to all of the provisions of chapter 536, and,

25 if applicable, section 536.028. This section and chapter 536, are nonseverable and if any  
26 of the powers vested with the general assembly pursuant to chapter 536, to review, to delay  
27 the effective date, or to disapprove and annul a rule are subsequently held  
28 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted  
29 after August 28, 2010, shall be invalid and void.

30 3. Any map designed and used to reflect legal property descriptions or boundaries  
31 for use in a digital cadastral mapping system shall comply with the rules promulgated  
32 under this section, unless the party requesting the map specifies otherwise in writing, the  
33 map was designed and in use prior to the promulgation of the rules, or the parties  
34 requesting and designing the map have already agreed to the terms of their contract on the  
35 effective date of the rules promulgation.

67.2800. 1. Sections 67.2800 to 67.2835 shall be known and may be cited as the  
2 "Property Assessment Clean Energy Act".

3 2. As used in sections 67.2800 to 67.2835, the following words and terms shall mean:

4 (1) "Assessment contract", a contract entered into between a clean energy  
5 development board and a property owner under which the property owner agrees to pay  
6 an annual assessment for a period of up to twenty years in exchange for financing of an  
7 energy efficiency improvement or a renewable energy improvement;

8 (2) "Authority", the state environmental improvement and energy resources  
9 authority established under section 260.010;

10 (3) "Bond", any bond, note, or similar instrument issued by or on behalf of a clean  
11 energy development board;

12 (4) "Clean energy conduit financing", the financing of energy efficiency  
13 improvements or renewable energy improvements for a single parcel of property or a  
14 unified development consisting of multiple adjoining parcels of property under section  
15 67.2825;

16 (5) "Clean energy development board", a board formed by one or more  
17 municipalities under section 67.2810;

18 (6) "Energy efficiency improvement", any acquisition, installation, or modification  
19 on or of publicly or privately owned property designed to reduce the energy consumption  
20 of such property, including but not limited to:

21 (a) Insulation in walls, roofs, attics, floors, foundations, and heating and cooling  
22 distribution systems;

23 (b) Storm windows and doors, multiglazed windows and doors, heat-absorbing or  
24 heat-reflective windows and doors, and other window and door improvements designed  
25 to reduce energy consumption;

- 26 (c) Automatic energy control systems;  
27 (d) Heating, ventilating, or air conditioning distribution system modifications and  
28 replacements;  
29 (e) Caulking and weatherstripping;  
30 (f) Replacement or modification of lighting fixtures to increase energy efficiency  
31 of the lighting system without increasing the overall illumination of the building unless the  
32 increase in illumination is necessary to conform to applicable state or local building codes;  
33 (g) Energy recovery systems; and  
34 (h) Daylighting systems;  
35 (7) "Municipality", any county, city, or incorporated town or village of this state;  
36 (8) "Project", any energy efficiency improvement or renewable energy  
37 improvement;  
38 (9) "Property assessed clean energy local finance fund", a fund that may be  
39 established by the authority for the purpose of making loans to clean energy development  
40 boards to establish and maintain property assessed clean energy programs;  
41 (10) "Property assessed clean energy program", a program established by a clean  
42 energy development board to finance energy efficiency improvements or renewable energy  
43 improvements under section 67.2820;  
44 (11) "Renewable energy improvement", any acquisition and installation of a  
45 fixture, product, system, device, or combination thereof on publicly or privately owned  
46 property that produces energy from renewable resources, including, but not limited to  
47 photovoltaic systems, solar thermal systems, wind systems, biomass systems, or geothermal  
48 systems.

49 3. All projects undertaken under sections 67.2800 to 67.2835 are subject to the  
50 applicable municipality's ordinances and regulations, including, but not limited to those  
51 ordinances and regulations concerning zoning, subdivision, building, fire safety, and  
52 historic or architectural review.

67.2805. 1. The authority may, as needed, promulgate administrative rules and  
2 regulations relating to the following:

- 3 (1) Guidelines and specifications for administering the property assessed clean  
4 energy local finance fund; and  
5 (2) Any clarification to the definitions of energy efficiency improvement and  
6 renewable energy improvement as the authority may determine is necessary or advisable.

7 2. Any rule or portion of a rule, as that term is defined in section 536.010, that is  
8 created under the authority delegated in this section shall become effective only if it  
9 complies with and is subject to all of the provisions of chapter 536 and, if applicable,

10 **section 536.028. This section and chapter 536 are nonseverable and if any of the powers**  
11 **vested with the general assembly under chapter 536 to review, to delay the effective date,**  
12 **or to disapprove and annul a rule are subsequently held unconstitutional, then the grant**  
13 **of rulemaking authority and any rule proposed or adopted after August 28, 2010, shall be**  
14 **invalid and void.**

**67.2810. 1. One or more municipalities may form clean energy development boards**  
2 **for the purpose of exercising the powers described in sections 67.2800 to 67.2835. Each**  
3 **clean energy development board shall consist of not less than three members, as set forth**  
4 **in the ordinance or order establishing the clean energy development board. Members shall**  
5 **serve terms as set forth in the ordinance or order establishing the clean energy**  
6 **development board and shall be appointed:**

7 **(1) If only one municipality is participating in the clean energy development board,**  
8 **by the chief elected officer of the municipality with the consent of the governing body of**  
9 **the municipality; or**

10 **(2) If more than one municipality is participating, in a manner agreed to by all**  
11 **participating municipalities.**

12 **2. A clean energy development board shall be a political subdivision of the state and**  
13 **shall have all powers necessary and convenient to carry out and effectuate the provisions**  
14 **of sections 67.2800 to 67.2835, including, but not limited to the following:**

15 **(1) To adopt, amend, and repeal bylaws, which are not inconsistent with sections**  
16 **67.2800 to 67.2835;**

17 **(2) To adopt an official seal;**

18 **(3) To sue and be sued;**

19 **(4) To make and enter into contracts and other instruments with public and private**  
20 **entities;**

21 **(5) To accept grants, guarantees, and donations of property, labor, services, and**  
22 **other things of value from any public or private source;**

23 **(6) To employ or contract for such managerial, legal, technical, clerical, accounting,**  
24 **or other assistance it deems advisable;**

25 **(7) To levy and collect special assessments under an assessment contract with a**  
26 **property owner and to record such special assessments as a lien on the property;**

27 **(8) To borrow money from any public or private source and issue bonds and**  
28 **provide security for the repayment of the same;**

29 **(9) To finance a project under an assessment contract;**

30           **(10) To collect reasonable fees and charges in connection with making and servicing**  
31 **assessment contracts and in connection with any technical, consultative, or project**  
32 **assistance services offered;**

33           **(11) To invest any funds not required for immediate disbursement in obligations**  
34 **of the state of Missouri or of the United States or any agency or instrumentality thereof,**  
35 **or in bank certificates of deposit; provided, however, the limitations on investments**  
36 **provided in this subdivision shall not apply to proceeds acquired from the sale of bonds**  
37 **which are held by a corporate trustee; and**

38           **(12) To take whatever actions necessary to participate in and administer a clean**  
39 **energy conduit financing or a property assessed clean energy program.**

40           **3. No later than July first of each year, the clean energy development board shall**  
41 **file with each municipality that participated in the formation of the clean energy**  
42 **development board and with the director of the department of natural resources, an**  
43 **annual report for the preceding calendar year that includes:**

44           **(1) A brief description of each project financed by the clean energy development**  
45 **board during the preceding calendar year, which shall include the physical address of the**  
46 **property, the name or names of the property owner, an itemized list of the costs of the**  
47 **project, and the name of any contractors used to complete the project;**

48           **(2) The amount of assessments due and the amount collected during the preceding**  
49 **calendar year;**

50           **(3) The amount of clean energy development board administrative costs incurred**  
51 **during the preceding calendar year;**

52           **(4) The estimated cumulative energy savings resulting from all energy efficiency**  
53 **improvements financed during the preceding calendar year; and**

54           **(5) The estimated cumulative energy produced by all renewable energy**  
55 **improvements financed during the preceding calendar year.**

56           **4. No lawsuit to set aside the formation of a clean energy development board or to**  
57 **otherwise question the proceedings related thereto shall be brought after the expiration of**  
58 **sixty days from the effective date of the ordinance or order creating the clean energy**  
59 **development board. No lawsuit to set aside the approval of a project, an assessment**  
60 **contract, or a special assessment levied by a clean energy development board, or to**  
61 **otherwise question the proceedings related thereto shall be brought after the expiration of**  
62 **sixty days from the date that the assessment contract is executed.**

**67.2815. 1. A clean energy development board shall not enter into an assessment**  
2 **contract or levy or collect a special assessment for a project without making a finding that**  
3 **there are sufficient resources to complete the project and that the estimated economic**

4 benefit expected from the project during the financing period is equal to or greater than  
5 the cost of the project.

6 2. An assessment contract shall be executed by the clean energy development board  
7 and the benefitted property owner or property owners and shall provide:

8 (1) A description of the project, including the estimated cost of the project and  
9 details on how the project will either reduce energy consumption or create energy from  
10 renewable sources;

11 (2) A mechanism for:

12 (a) Verifying the final costs of the project upon its completion; and

13 (b) Ensuring that any amounts advanced or otherwise paid by the clean energy  
14 development board toward costs of the project will not exceed the final cost of the project;

15 (3) An acknowledgment by the property owner that the property owner has  
16 received or will receive a special benefit by financing a project through the clean energy  
17 development board that equals or exceeds the total assessments due under the assessment  
18 contract;

19 (4) An agreement by the property owner to pay annual special assessments for a  
20 period not to exceed twenty years, as specified in the assessment contract;

21 (5) A statement that the obligations set forth in the assessment contract, including  
22 the obligation to pay annual special assessments, are a covenant that shall run with the  
23 land and be obligations upon future owners of such property; and

24 (6) An acknowledgment that no subdivision of property subject to the assessment  
25 contract shall be valid unless the assessment contract or an amendment thereof divides the  
26 total annual special assessment due between the newly subdivided parcels pro rata to the  
27 special benefit realized by each subdivided parcel.

28 3. The total special assessments levied against a property under an assessment  
29 contract shall not exceed the sum of the cost of the project, including any required energy  
30 audits and inspections, or portion thereof financed through the participation in a property  
31 assessed clean energy program or clean energy conduit financing, including the costs of any  
32 audits or inspections required by the clean energy development board, plus such  
33 administration fees, interest, and other financing costs reasonably required by the clean  
34 energy development board.

35 4. The clean energy development board shall provide a copy of each signed  
36 assessment contract to the local county assessor and county collector and shall cause a copy  
37 of such assessment contract to be recorded in the real estate records of the county recorder  
38 of deeds.

39           **5. Special assessments agreed to under an assessment contract shall be a lien on the**  
40 **property against which it is assessed on behalf of the applicable clean energy development**  
41 **board from the date that each annual assessment under the assessment contract becomes**  
42 **due. Such special assessments shall be collected by the county collector in the same manner**  
43 **and with the same priority as ad valorem real property taxes. Once collected, the county**  
44 **collector shall pay over such special assessment revenues to the clean energy development**  
45 **board in the same manner in which revenues from ad valorem real property taxes are paid**  
46 **to other taxing districts. Such special assessments shall be collected as provided in this**  
47 **subsection from all subsequent property owners, including the state and all political**  
48 **subdivisions thereof, for the term of the assessment contract.**

49           **6. Any clean energy development board that contracts for outside administrative**  
50 **services to provide financing origination for a project shall offer the right of first refusal**  
51 **to enter into such a contract to a federally insured depository institution with a physical**  
52 **presence in Missouri upon the same terms and conditions as would otherwise be approved**  
53 **by the clean energy development board. Such right of first refusal shall not be applicable**  
54 **to the origination of any transaction that involves the issuance of bonds by the clean energy**  
55 **development board.**

**67.2820. 1. Any clean energy development board may establish a property assessed**  
2 **clean energy program to finance energy efficiency improvements or renewable energy**  
3 **improvements. A property assessed clean energy program shall consist of a program**  
4 **whereby a property owner may apply to a clean energy development board to finance the**  
5 **costs of a project through annual special assessments levied under an assessment contract.**

6           **2. A clean energy development board may establish application requirements and**  
7 **criteria for project financing approval as it deems necessary to effectively administer such**  
8 **program and ration available funding among projects, including but not limited to**  
9 **requiring projects to meet certain energy efficiency standards.**

10           **3. Clean energy development boards shall ensure that any property owner**  
11 **approved by the board to participate in a property assessed clean energy program or clean**  
12 **energy conduit financing under sections 67.2800 to 67.2835 shall have good credit**  
13 **worthiness or shall otherwise be considered a low risk for failure to meet the obligations**  
14 **of the program or conduit financing.**

15           **4. A clean energy development board may require an initial energy audit conducted**  
16 **by a qualified home energy auditor as defined in subdivision (4) of subsection 1 of section**  
17 **640.153 as a prerequisite to project financing through a property assessed clean energy**  
18 **program as well as inspections to verify project completion.**



67.2825. 1. In lieu of financing a project through a property assessed clean energy program, a clean energy development board may seek to finance any number of projects to be installed within a single parcel of property or within a unified development consisting of multiple adjoining parcels of property by participating in a clean energy conduit financing.

2. A clean energy conduit financing shall consist of the issuance of bonds under section 67.2830 payable from the special assessment revenues collected under an assessment contract with the property owner participating in the clean energy conduit financing and any other revenues pledged thereto.

67.2830. 1. A clean energy development board may issue bonds payable from special assessment revenues generated by assessment contracts and any other revenues pledged thereto. The bonds shall be authorized by resolution of the clean energy development board, shall bear such date or dates, and shall mature at such time or times as the resolution shall specify, provided that the term of any bonds issued for a clean energy conduit financing shall not exceed twenty years. The bonds shall be in such denomination, bear interest at such rate, be in such form, be issued in such manner, be payable in such place or places, and be subject to redemption as such resolution may provide. Notwithstanding any provision to the contrary under this section, issuance of the bonds shall conform to the requirements of subsection 1 of section 108.170.

2. Any bonds issued under this section shall not constitute an indebtedness of the state or any municipality. Neither the state nor any municipality shall be liable on such bonds, and the form of such bonds shall contain a statement to such effect.

67.2835. The director of the department of economic development is authorized to allocate the state's residual share, or any portion thereof, of the national qualified energy conservation bond limitation under Section 54D of the Internal Revenue Code of 1986, as amended, for any purposes described therein to the authority, any clean energy development board, the state, any political subdivision, instrumentality, or other body corporate and politic.

171.185. No school district located in any city of the third classification with more than forty-six thousand eight hundred but fewer than forty-seven thousand inhabitants shall operate a materials recovery and recycling facility within five hundred feet of a residential property.

193.145. 1. A certificate of death for each death which occurs in this state shall be filed with the local registrar, or as otherwise directed by the state registrar, within five days after death and shall be registered if such certificate has been completed and filed pursuant to this section. All data providers in the death registration process, including, but not limited to, the state

5 registrar, local registrars, the state medical examiner, county medical examiners, coroners,  
6 funeral directors, embalmers, sheriffs, attending physicians and resident physicians, chief  
7 medical officers of licensed health care facilities, and other public or private institutions  
8 providing medical care, treatment, or confinement to persons, shall be required to use any  
9 electronic death registration system required under subsection 1 of section 193.265 within  
10 six months of the system being certified by the director of the department of health and  
11 senior services to be operational and available to all data providers in the death  
12 registration process. Nothing in this section shall prevent the state registrar from adopting  
13 pilot programs or voluntary electronic death registration programs until such time as the  
14 system can be certified, however, no such pilot or voluntary electronic death registration  
15 program shall prevent the filing of a death certificate with the local registrar or the ability  
16 to obtain certified copies of death certificates under subsection 2 of section 193.265 until  
17 six months after said certification that the system is operational.

18 2. If the place of death is unknown but the dead body is found in this state, the certificate  
19 of death shall be completed and filed pursuant to the provisions of this section. The place where  
20 the body is found shall be shown as the place of death. The date of death shall be the date on  
21 which the remains were found.

22 3. When death occurs in a moving conveyance in the United States and the body is first  
23 removed from the conveyance in this state, the death shall be registered in this state and the place  
24 where the body is first removed shall be considered the place of death. When a death occurs on  
25 a moving conveyance while in international waters or air space or in a foreign country or its air  
26 space and the body is first removed from the conveyance in this state, the death shall be  
27 registered in this state but the certificate shall show the actual place of death if such place may  
28 be determined.

29 4. The funeral director or person in charge of final disposition of the dead body shall file  
30 the certificate of death. The funeral director or person in charge of the final disposition of the  
31 dead body shall obtain or verify:

32 (1) The personal data from the next of kin or the best qualified person or source  
33 available; and

34 (2) The medical certification from the person responsible for such certification.

35 5. The medical certification shall be completed, attested to its accuracy either by  
36 signature or an electronic process approved by the department, and returned to the funeral  
37 director or person in charge of final disposition within seventy-two hours after death by the  
38 physician in charge of the patient's care for the illness or condition which resulted in death. In  
39 the absence of the physician or with the physician's approval the certificate may be completed  
40 and attested to its accuracy either by signature or an approved electronic process by the

41 physician's associate physician, the chief medical officer of the institution in which death  
42 occurred, or the physician who performed an autopsy upon the decedent, provided such  
43 individual has access to the medical history of the case, views the deceased at or after death and  
44 death is due to natural causes. The state registrar may approve alternate methods of obtaining  
45 and processing the medical certification and filing the death certificate. The Social Security  
46 number of any individual who has died shall be placed in the records relating to the death and  
47 recorded on the death certificate.

48 6. When death occurs from natural causes more than thirty-six hours after the decedent  
49 was last treated by a physician, the case shall be referred to the county medical examiner or  
50 coroner or physician or local registrar for investigation to determine and certify the cause of  
51 death. If the death is determined to be of a natural cause, the medical examiner or coroner or  
52 local registrar shall refer the certificate of death to the attending physician for such physician's  
53 certification. If the attending physician refuses or is otherwise unavailable, the medical examiner  
54 or coroner or local registrar shall attest to the accuracy of the certificate of death either by  
55 signature or an approved electronic process within thirty-six hours.

56 7. If the circumstances suggest that the death was caused by other than natural causes,  
57 the medical examiner or coroner shall determine the cause of death and shall complete and attest  
58 to the accuracy either by signature or an approved electronic process the medical certification  
59 within seventy-two hours after taking charge of the case.

60 8. If the cause of death cannot be determined within seventy-two hours after death, the  
61 attending medical examiner or coroner or attending physician or local registrar shall give the  
62 funeral director, or person in charge of final disposition of the dead body, notice of the reason  
63 for the delay, and final disposition of the body shall not be made until authorized by the medical  
64 examiner or coroner, attending physician or local registrar.

65 9. When a death is presumed to have occurred within this state but the body cannot be  
66 located, a death certificate may be prepared by the state registrar upon receipt of an order of a  
67 court of competent jurisdiction which shall include the finding of facts required to complete the  
68 death certificate. Such a death certificate shall be marked "Presumptive", show on its face the  
69 date of registration, and identify the court and the date of decree.

193.265. 1. For the issuance of a certification or copy of a death record, the applicant  
2 shall pay a fee of thirteen dollars for the first certification or copy and a fee of ten dollars for each  
3 additional copy ordered at that time. For the issuance of a certification or copy of a birth,  
4 marriage, divorce, or fetal death record, the applicant shall pay a fee of fifteen dollars. All fees  
5 shall be deposited to the state department of revenue. Beginning August 28, 2004, for each vital  
6 records fee collected, the director of revenue shall credit four dollars to the general revenue fund,  
7 five dollars to the children's trust fund, one dollar shall be credited to the endowed care cemetery

8 audit fund, and three dollars for the first copy of death records and five dollars for birth,  
9 marriage, divorce, and fetal death records shall be credited to the Missouri public services health  
10 fund established in section 192.900, RSMo. Money in the endowed care cemetery audit fund  
11 shall be available by appropriation to the division of professional registration to pay its expenses  
12 in administering sections 214.270 to 214.410, RSMo. All interest earned on money deposited  
13 in the endowed care cemetery audit fund shall be credited to the endowed care cemetery fund.  
14 Notwithstanding the provisions of section 33.080, RSMo, to the contrary, money placed in the  
15 endowed care cemetery audit fund shall not be transferred and placed to the credit of general  
16 revenue until the amount in the fund at the end of the biennium exceeds three times the amount  
17 of the appropriation from the endowed care cemetery audit fund for the preceding fiscal year.  
18 The money deposited in the public health services fund under this section shall be deposited in  
19 a separate account in the fund, and moneys in such account, upon appropriation, shall be used  
20 to automate and improve the state vital records system, and develop and maintain an electronic  
21 birth and death registration system [which shall be implemented no later than December 31,  
22 2009]. For any search of the files and records, when no record is found, the state shall be entitled  
23 to a fee equal to the amount for a certification of a vital record for a five-year search to be paid  
24 by the applicant. For the processing of each legitimation, adoption, court order or recording after  
25 the registrant's twelfth birthday, the state shall be entitled to a fee equal to the amount for a  
26 certification of a vital record. Except whenever a certified copy or copies of a vital record is  
27 required to perfect any claim of any person on relief, or any dependent of any person who was  
28 on relief for any claim upon the government of the state or United States, the state registrar shall,  
29 upon request, furnish a certified copy or so many certified copies as are necessary, without any  
30 fee or compensation therefor.

31 2. For the issuance of a certification of a death record by the local registrar, the applicant  
32 shall pay a fee of thirteen dollars for the first certification or copy and a fee of ten dollars for each  
33 additional copy ordered at that time. For the issuance of a certification or copy of a birth,  
34 marriage, divorce, or fetal death record, the applicant shall pay a fee of fifteen dollars. All fees  
35 shall be deposited to the official city or county health agency. A certified copy of a death record  
36 by the local registrar can only be issued within twenty-four hours of receipt of the record by the  
37 local registrar. Computer-generated certifications of death records may be issued by the local  
38 registrar after twenty-four hours of receipt of the records. The fees paid to the official county  
39 health agency shall be retained by the local agency for local public health purposes.

208.010. 1. In determining the eligibility of a claimant for public assistance pursuant  
2 to this law, it shall be the duty of the division of family services to consider and take into account  
3 all facts and circumstances surrounding the claimant, including his or her living conditions,  
4 earning capacity, income and resources, from whatever source received, and if from all the facts

5 and circumstances the claimant is not found to be in need, assistance shall be denied. In  
6 determining the need of a claimant, the costs of providing medical treatment which may be  
7 furnished pursuant to sections 208.151 to 208.158 and 208.162 shall be disregarded. The amount  
8 of benefits, when added to all other income, resources, support, and maintenance shall provide  
9 such persons with reasonable subsistence compatible with decency and health in accordance with  
10 the standards developed by the division of family services; provided, when a husband and wife  
11 are living together, the combined income and resources of both shall be considered in  
12 determining the eligibility of either or both. "Living together" for the purpose of this chapter is  
13 defined as including a husband and wife separated for the purpose of obtaining medical care or  
14 nursing home care, except that the income of a husband or wife separated for such purpose shall  
15 be considered in determining the eligibility of his or her spouse, only to the extent that such  
16 income exceeds the amount necessary to meet the needs (as defined by rule or regulation of the  
17 division) of such husband or wife living separately. In determining the need of a claimant in  
18 federally aided programs there shall be disregarded such amounts per month of earned income  
19 in making such determination as shall be required for federal participation by the provisions of  
20 the federal Social Security Act (42 U.S.C.A. 301 et seq.), or any amendments thereto. When  
21 federal law or regulations require the exemption of other income or resources, the division of  
22 family services may provide by rule or regulation the amount of income or resources to be  
23 disregarded.

24 2. Benefits shall not be payable to any claimant who:

25 (1) Has or whose spouse with whom he or she is living has, prior to July 1, 1989, given  
26 away or sold a resource within the time and in the manner specified in this subdivision. In  
27 determining the resources of an individual, unless prohibited by federal statutes or regulations,  
28 there shall be included (but subject to the exclusions pursuant to subdivisions (4) and (5) of this  
29 subsection, and subsection 5 of this section) any resource or interest therein owned by such  
30 individual or spouse within the twenty-four months preceding the initial investigation, or at any  
31 time during which benefits are being drawn, if such individual or spouse gave away or sold such  
32 resource or interest within such period of time at less than fair market value of such resource or  
33 interest for the purpose of establishing eligibility for benefits, including but not limited to  
34 benefits based on December, 1973, eligibility requirements, as follows:

35 (a) Any transaction described in this subdivision shall be presumed to have been for the  
36 purpose of establishing eligibility for benefits or assistance pursuant to this chapter unless such  
37 individual furnishes convincing evidence to establish that the transaction was exclusively for  
38 some other purpose;

39 (b) The resource shall be considered in determining eligibility from the date of the  
40 transfer for the number of months the uncompensated value of the disposed of resource is

41 divisible by the average monthly grant paid or average Medicaid payment in the state at the time  
42 of the investigation to an individual or on his or her behalf under the program for which benefits  
43 are claimed, provided that:

44 a. When the uncompensated value is twelve thousand dollars or less, the resource shall  
45 not be used in determining eligibility for more than twenty-four months; or

46 b. When the uncompensated value exceeds twelve thousand dollars, the resource shall  
47 not be used in determining eligibility for more than sixty months;

48 (2) The provisions of subdivision (1) of this subsection shall not apply to a transfer, other  
49 than a transfer to claimant's spouse, made prior to March 26, 1981, when the claimant furnishes  
50 convincing evidence that the uncompensated value of the disposed of resource or any part thereof  
51 is no longer possessed or owned by the person to whom the resource was transferred;

52 (3) Has received, or whose spouse with whom he or she is living has received, benefits  
53 to which he or she was not entitled through misrepresentation or nondisclosure of material facts  
54 or failure to report any change in status or correct information with respect to property or income  
55 as required by section 208.210. A claimant ineligible pursuant to this subsection shall be  
56 ineligible for such period of time from the date of discovery as the division of family services  
57 may deem proper; or in the case of overpayment of benefits, future benefits may be decreased,  
58 suspended or entirely withdrawn for such period of time as the division may deem proper;

59 (4) Owns or possesses resources in the sum of one thousand dollars or more; provided,  
60 however, that if such person is married and living with spouse, he or she, or they, individually  
61 or jointly, may own resources not to exceed two thousand dollars; and provided further, that in  
62 the case of a temporary assistance for needy families claimant, the provision of this subsection  
63 shall not apply;

64 (5) Prior to October 1, 1989, owns or possesses property of any kind or character,  
65 excluding amounts placed in an irrevocable prearranged funeral or burial contract [pursuant to  
66 subsection 2 of section 436.035, RSMo, and subdivision (5) of subsection 1 of section 436.053,  
67 RSMO] **under chapter 436**, or has an interest in property, of which he or she is the record or  
68 beneficial owner, the value of such property, as determined by the division of family services,  
69 less encumbrances of record, exceeds twenty-nine thousand dollars, or if married and actually  
70 living together with husband or wife, if the value of his or her property, or the value of his or her  
71 interest in property, together with that of such husband and wife, exceeds such amount;

72 (6) In the case of temporary assistance for needy families, if the parent, stepparent, and  
73 child or children in the home owns or possesses property of any kind or character, or has an  
74 interest in property for which he or she is a record or beneficial owner, the value of such  
75 property, as determined by the division of family services and as allowed by federal law or  
76 regulation, less encumbrances of record, exceeds one thousand dollars, excluding the home

77 occupied by the claimant, amounts placed in an irrevocable prearranged funeral or burial contract  
78 [pursuant to subsection 2 of section 436.035, RSMo, and subdivision (5) of subsection 1 of  
79 section 436.053, RSMO] **under chapter 436**, one automobile which shall not exceed a value set  
80 forth by federal law or regulation and for a period not to exceed six months, such other real  
81 property which the family is making a good-faith effort to sell, if the family agrees in writing  
82 with the division of family services to sell such property and from the net proceeds of the sale  
83 repay the amount of assistance received during such period. If the property has not been sold  
84 within six months, or if eligibility terminates for any other reason, the entire amount of assistance  
85 paid during such period shall be a debt due the state;

86 (7) Is an inmate of a public institution, except as a patient in a public medical institution.

87 3. In determining eligibility and the amount of benefits to be granted pursuant to  
88 federally aided programs, the income and resources of a relative or other person living in the  
89 home shall be taken into account to the extent the income, resources, support and maintenance  
90 are allowed by federal law or regulation to be considered.

91 4. In determining eligibility and the amount of benefits to be granted pursuant to  
92 federally aided programs, the value of burial lots or any amounts placed in an irrevocable  
93 prearranged funeral or burial contract [pursuant to subsection 2 of section 436.035, RSMo, and  
94 subdivision (5) of subsection 1 of section 436.053, RSMO,] **under chapter 436** shall not be  
95 taken into account or considered an asset of the burial lot owner or the beneficiary of an  
96 irrevocable prearranged funeral or funeral contract. For purposes of this section, "burial lots"  
97 means any burial space as defined in section 214.270, RSMo, and any memorial, monument,  
98 marker, tombstone or letter marking a burial space. If the beneficiary, as defined in chapter 436,  
99 RSMo, of an irrevocable prearranged funeral or burial contract receives any public assistance  
100 benefits pursuant to this chapter and if the purchaser of such contract or his or her successors in  
101 interest [cancel or amend] **transfer, amend, or take any other such actions regarding** the  
102 contract so that any person will be entitled to a refund, such refund shall be paid to the state of  
103 Missouri [up to the amount of public assistance benefits provided pursuant to this chapter with  
104 any remainder to be paid to those persons designated in chapter 436, RSMo] **with any amount**  
105 **in excess of the public assistance benefits provided under this chapter to be refunded by**  
106 **the state of Missouri to the purchaser or his or her successors. In determining eligibility**  
107 **and the amount of benefits to be granted under federally aided programs, the value of any**  
108 **life insurance policy where a seller or provider is made the beneficiary or where the life**  
109 **insurance policy is assigned to a seller or provider, either being in consideration for an**  
110 **irrevocable prearranged funeral contract under chapter 436, shall not be taken into**  
111 **account or considered an asset of the beneficiary of the irrevocable prearranged funeral**  
112 **contract.**

113           5. In determining the total property owned pursuant to subdivision (5) of subsection 2  
114 of this section, or resources, of any person claiming or for whom public assistance is claimed,  
115 there shall be disregarded any life insurance policy, or prearranged funeral or burial contract, or  
116 any two or more policies or contracts, or any combination of policies and contracts, which  
117 provides for the payment of one thousand five hundred dollars or less upon the death of any of  
118 the following:

119           (1) A claimant or person for whom benefits are claimed; or

120           (2) The spouse of a claimant or person for whom benefits are claimed with whom he or  
121 she is living. If the value of such policies exceeds one thousand five hundred dollars, then the  
122 total value of such policies may be considered in determining resources; except that, in the case  
123 of temporary assistance for needy families, there shall be disregarded any prearranged funeral  
124 or burial contract, or any two or more contracts, which provides for the payment of one thousand  
125 five hundred dollars or less per family member.

126           6. Beginning September 30, 1989, when determining the eligibility of institutionalized  
127 spouses, as defined in 42 U.S.C. Section 1396r-5, for medical assistance benefits as provided for  
128 in section 208.151 and 42 U.S.C. Sections 1396a et seq., the division of family services shall  
129 comply with the provisions of the federal statutes and regulations. As necessary, the division  
130 shall by rule or regulation implement the federal law and regulations which shall include but not  
131 be limited to the establishment of income and resource standards and limitations. The division  
132 shall require:

133           (1) That at the beginning of a period of continuous institutionalization that is expected  
134 to last for thirty days or more, the institutionalized spouse, or the community spouse, may request  
135 an assessment by the division of family services of total countable resources owned by either or  
136 both spouses;

137           (2) That the assessed resources of the institutionalized spouse and the community spouse  
138 may be allocated so that each receives an equal share;

139           (3) That upon an initial eligibility determination, if the community spouse's share does  
140 not equal at least twelve thousand dollars, the institutionalized spouse may transfer to the  
141 community spouse a resource allowance to increase the community spouse's share to twelve  
142 thousand dollars;

143           (4) That in the determination of initial eligibility of the institutionalized spouse, no  
144 resources attributed to the community spouse shall be used in determining the eligibility of the  
145 institutionalized spouse, except to the extent that the resources attributed to the community  
146 spouse do exceed the community spouse's resource allowance as defined in 42 U.S.C. Section  
147 1396r-5;



148 (5) That beginning in January, 1990, the amount specified in subdivision (3) of this  
149 subsection shall be increased by the percentage increase in the Consumer Price Index for All  
150 Urban Consumers between September, 1988, and the September before the calendar year  
151 involved; and

152 (6) That beginning the month after initial eligibility for the institutionalized spouse is  
153 determined, the resources of the community spouse shall not be considered available to the  
154 institutionalized spouse during that continuous period of institutionalization.

155 7. Beginning July 1, 1989, institutionalized individuals shall be ineligible for the periods  
156 required and for the reasons specified in 42 U.S.C. Section 1396p.

157 8. The hearings required by 42 U.S.C. Section 1396r-5 shall be conducted pursuant to  
158 the provisions of section 208.080.

159 9. Beginning October 1, 1989, when determining eligibility for assistance pursuant to  
160 this chapter there shall be disregarded unless otherwise provided by federal or state statutes, the  
161 home of the applicant or recipient when the home is providing shelter to the applicant or  
162 recipient, or his or her spouse or dependent child. The division of family services shall establish  
163 by rule or regulation in conformance with applicable federal statutes and regulations a definition  
164 of the home and when the home shall be considered a resource that shall be considered in  
165 determining eligibility.

166 10. Reimbursement for services provided by an enrolled Medicaid provider to a recipient  
167 who is duly entitled to Title XIX Medicaid and Title XVIII Medicare Part B, Supplementary  
168 Medical Insurance (SMI) shall include payment in full of deductible and coinsurance amounts  
169 as determined due pursuant to the applicable provisions of federal regulations pertaining to Title  
170 XVIII Medicare Part B, except the applicable Title XIX cost sharing.

171 11. A "community spouse" is defined as being the noninstitutionalized spouse.

172 12. An institutionalized spouse applying for Medicaid and having a spouse living in the  
173 community shall be required, to the maximum extent permitted by law, to divert income to such  
174 community spouse to raise the community spouse's income to the level of the minimum monthly  
175 needs allowance, as described in 42 U.S.C. Section 1396r-5. Such diversion of income shall  
176 occur before the community spouse is allowed to retain assets in excess of the community spouse  
177 protected amount described in 42 U.S.C. Section 1396r-5.

214.160. The county commission shall invest or loan said trust fund or funds only in  
2 United States government, state, county or municipal bonds, [or] **certificates of deposit**, first  
3 real estate mortgages, or deeds of trust. They shall use the net income from said trust fund or  
4 funds or so much thereof as is necessary to support and maintain and beautify any public or  
5 private cemetery or any particular part thereof which may be designated by the person, persons  
6 or firm or association making said gift or bequest. In maintaining or supporting the cemetery or

7 any particular part or portion thereof the commission shall as nearly as possible follow the  
8 expressed wishes of the creator of said trust fund.

214.270. As used in sections 214.270 to 214.410, the following terms mean:

2 (1) "Agent" or "authorized agent", any person empowered by the cemetery operator to  
3 represent the operator in dealing with the general public, including owners of the burial space  
4 in the cemetery;

5 (2) "Burial space", one or more than one plot, grave, mausoleum, crypt, lawn, surface  
6 lawn crypt, niche or space used or intended for the interment of the human dead;

7 (3) "Burial merchandise", a monument, marker, memorial, tombstone, headstone, urn,  
8 outer burial container, or similar article which may contain specific lettering, shape, color, or  
9 design as specified by the purchaser;

10 (4) "Cemetery", property restricted in use for the interment of the human dead by formal  
11 dedication or reservation by deed but shall not include any of the foregoing held or operated by  
12 the state or federal government or any political subdivision thereof, any incorporated city or  
13 town, any county or any religious organization, cemetery association or fraternal society holding  
14 the same for sale solely to members and their immediate families;

15 (5) "Cemetery association", any number of persons who shall have associated themselves  
16 by articles of agreement in writing as a not-for-profit association or organization, whether  
17 incorporated or unincorporated, formed for the purpose of ownership, preservation, care,  
18 maintenance, adornment and administration of a cemetery. Cemetery associations shall be  
19 governed by a board of directors. Directors shall serve without compensation;

20 (6) "Cemetery operator" or "operator", any person who owns, controls, operates or  
21 manages a cemetery;

22 (7) "Cemetery prearranged contract", any contract with a **cemetery or** cemetery operator  
23 for [goods and services covered by this chapter which includes a sale of burial merchandise in  
24 which delivery of merchandise or a valid warehouse receipt under sections 214.270 to 214.550  
25 is deferred pursuant to written instructions from the purchaser. It shall also mean any contract  
26 for goods and services covered by sections 214.270 to 214.550 which includes a sale of burial  
27 services to be performed at a future date] **burial merchandise or burial services covered by**  
28 **sections 214.270 to 214.410 which is entered into before the death of the individual for**  
29 **whom the burial merchandise or burial services are intended;**

30 (8) "Cemetery service" or "burial service", those services performed by a cemetery owner  
31 or operator licensed as an endowed care or nonendowed cemetery including setting a monument  
32 or marker, setting a tent, excavating a grave, interment, entombment, inurnment, setting a vault,  
33 or other related services within the cemetery;

34 (9) "Columbarium", a building or structure for the inurnment of cremated human  
35 remains;

36 (10) "Community mausoleum", a mausoleum containing a substantial area of enclosed  
37 space and having either a heating, ventilating or air conditioning system;

38 (11) "Department", department of insurance, financial institutions and professional  
39 registration;

40 (12) "Developed acreage", the area which has been platted into grave spaces and has  
41 been developed with roads, paths, features, or ornamentations and in which burials can be made;

42 (13) "Director", director of the division of professional registration;

43 (14) "Division", division of professional registration;

44 (15) "Endowed care", the maintenance, repair and care of all burial space subject to the  
45 endowment within a cemetery, including any improvements made for the benefit of such burial  
46 space. Endowed care shall include the general overhead expenses needed to accomplish such  
47 maintenance, repair, care and improvements. Endowed care shall include the terms perpetual  
48 care, permanent care, continual care, eternal care, care of duration, or any like term;

49 (16) "Endowed care cemetery", a cemetery, or a section of a cemetery, which represents  
50 itself as offering endowed care and which complies with the provisions of sections 214.270 to  
51 214.410;

52 (17) "Endowed care fund", "endowed care trust", or "trust", any cash or cash equivalent,  
53 to include any income therefrom, impressed with a trust by the terms of any gift, grant,  
54 contribution, payment, devise or bequest to an endowed care cemetery, or its endowed care trust,  
55 or funds to be delivered to an endowed care cemetery's trust received pursuant to a contract and  
56 accepted by any endowed care cemetery operator or his agent. This definition includes the terms  
57 endowed care funds, maintenance funds, memorial care funds, perpetual care funds, or any like  
58 term;

59 (18) "Escrow account", an account established in lieu of an endowed care fund as  
60 provided under section 214.330 or an account used to hold deposits under section 214.387;

61 (19) "Escrow agent", an attorney, title company, certified public accountant or other  
62 person authorized by the division to exercise escrow powers under the laws of this state;

63 (20) "Escrow agreement", an agreement subject to approval by the office between an  
64 escrow agent and a cemetery operator or its agent or related party with common ownership, to  
65 receive and administer payments under cemetery prearranged contracts sold by the cemetery  
66 operator;

67 (21) "Family burial ground", a cemetery in which no burial space is sold to the public  
68 and in which interments are restricted to persons related by blood or marriage;

69 (22) "Fraternal cemetery", a cemetery owned, operated, controlled or managed by any  
70 fraternal organization or auxiliary organizations thereof, in which the sale of burial space is  
71 restricted solely to its members and their immediate families;

72 (23) "Garden mausoleum", a mausoleum without a substantial area of enclosed space  
73 and having its crypt and niche fronts open to the atmosphere. Ventilation of the crypts by forced  
74 air or otherwise does not constitute a garden mausoleum as a community mausoleum;

75 (24) "Government cemetery", or "municipal cemetery", a cemetery owned, operated,  
76 controlled or managed by the federal government, the state or a political subdivision of the state,  
77 including a county or municipality or instrumentality thereof;

78 (25) "Grave" or "plot", a place of ground in a cemetery, used or intended to be used for  
79 burial of human remains;

80 (26) "Human remains", the body of a deceased person in any state of decomposition, as  
81 well as cremated remains;

82 (27) "Inurnment", placing an urn containing cremated remains in a burial space;

83 (28) "Lawn crypt", a burial vault or other permanent container for a casket which is  
84 permanently installed below ground prior to the time of the actual interment. A lawn crypt may  
85 permit single or multiple interments in a grave space;

86 (29) "Mausoleum", a structure or building for the entombment of human remains in  
87 crypts;

88 (30) "Niche", a space in a columbarium used or intended to be used for inurnment of  
89 cremated remains;

90 (31) "Nonendowed care cemetery", or "nonendowed cemetery", a cemetery or a section  
91 of a cemetery for which no endowed care trust fund has been established in accordance with  
92 sections 214.270 to 214.410;

93 (32) "Office", the office of endowed care cemeteries within the division of professional  
94 registration;

95 (33) "Owner of burial space", a person to whom the cemetery operator or his authorized  
96 agent has transferred the right of use of burial space;

97 (34) "Person", an individual, corporation, partnership, joint venture, association, trust  
98 or any other legal entity;

99 (35) "Registry", the list of cemeteries maintained in the division office for public review.  
100 The division may charge a fee for copies of the registry;

101 (36) "Religious cemetery", a cemetery owned, operated, controlled or managed by any  
102 church, convention of churches, religious order or affiliated auxiliary thereof in which the sale  
103 of burial space is restricted solely to its members and their immediate families;

104 (37) "Surface lawn crypt", a sealed burial chamber whose lid protrudes above the land  
105 surface;

106 (38) "Total acreage", the entire tract which is dedicated to or reserved for cemetery  
107 purposes;

108 (39) "Trustee of an endowed care fund", the separate legal entity **qualified under**  
109 **section 214.330** appointed as trustee of an endowed care fund.

214.276. 1. The division may refuse to issue or renew any license, required pursuant to  
2 sections 214.270 to 214.516 for one or any combination of causes stated in subsection 2 of this  
3 section. The division shall notify the applicant in writing of the reasons for the refusal and shall  
4 advise the applicant of his or her right to file a complaint with the administrative hearing  
5 commission as provided by chapter 621, RSMo.

6 2. The division may cause a complaint to be filed with the administrative hearing  
7 commission as provided in chapter 621, RSMo, against any holder of any license, required by  
8 sections 214.270 to 214.516 or any person who has failed to surrender his or her license, for any  
9 one or any combination of the following causes:

10 (1) Use of any controlled substance, as defined in chapter 195, RSMo, or alcoholic  
11 beverage to an extent that such use impairs a person's ability to perform the work of any  
12 profession licensed or regulated by sections 214.270 to 214.516;

13 (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty  
14 or nolo contendere, in a criminal prosecution pursuant to the laws of any state or of the United  
15 States, for any offense reasonably related to the qualifications, functions or duties of any  
16 profession licensed or regulated pursuant to sections 214.270 to 214.516, for any offense an  
17 essential element of which is fraud, dishonesty or an act of violence, or for any offense involving  
18 moral turpitude, whether or not sentence is imposed;

19 (3) Use of fraud, deception, misrepresentation or bribery in securing any license, issued  
20 pursuant to sections 214.270 to 214.516 or in obtaining permission to take any examination  
21 given or required pursuant to sections 214.270 to 214.516;

22 (4) Obtaining or attempting to obtain any fee, charge or other compensation by fraud,  
23 deception or misrepresentation;

24 (5) Incompetence, misconduct, gross negligence, fraud, misrepresentation or dishonesty  
25 in the performance of the functions or duties of any profession regulated by sections 214.270 to  
26 214.516;

27 (6) Violation of, or assisting or enabling any person to violate, any provision of sections  
28 214.270 to 214.516, or any lawful rule or regulation adopted pursuant to sections 214.270 to  
29 214.516;

30 (7) Impersonation of any person holding a license or allowing any person to use his or  
31 her license;

32 (8) Disciplinary action against the holder of a license or other right to practice any  
33 profession regulated by sections 214.270 to 214.516 granted by another state, territory, federal  
34 agency or country upon grounds for which revocation or suspension is authorized in this state;

35 (9) A person is finally adjudged insane or incompetent by a court of competent  
36 jurisdiction;

37 (10) Assisting or enabling any person to practice or offer to practice any profession  
38 licensed or regulated by sections 214.270 to 214.516 who is not registered and currently eligible  
39 to practice pursuant to sections 214.270 to 214.516;

40 (11) Issuance of a license based upon a material mistake of fact;

41 (12) Failure to display a valid license;

42 (13) Violation of any professional trust or confidence;

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

45 (15) Willfully and through undue influence selling a burial space, cemetery services or  
46 merchandise.

47 3. After the filing of such complaint, the proceedings shall be conducted in accordance  
48 with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing  
49 commission that the grounds, provided in subsection 2 of this section, for disciplinary action are  
50 met, the division may singly or in combination, censure or place the person named in the  
51 complaint on probation on such terms and conditions as the division deems appropriate for a  
52 period not to exceed five years, or may suspend, or revoke the license or permit **or may impose**  
53 **a penalty allowed by subsection 4 of section 214.410**. No new license shall be issued to the  
54 owner or operator of a cemetery or to any corporation controlled by such owner for three years  
55 after the revocation of the certificate of the owner or of a corporation controlled by the owner.

56 4. [Operators of all existing endowed care or nonendowed care cemeteries shall, prior  
57 to August twenty-eighth following August 28, 2001, apply for a license pursuant to this section.  
58 All endowed care or nonendowed care cemeteries operating in compliance with sections 214.270  
59 to 214.516 prior to August twenty-eighth following August 28, 2001, shall be granted a license  
60 by the division upon receipt of application.

61 5.] The division may settle disputes arising under subsections 2 and 3 of this section by  
62 consent agreement or settlement agreement between the division and the holder of a license.  
63 Within such a settlement agreement, the division may singly or in combination impose any  
64 discipline or penalties allowed by this section or subsection 4 of section 214.410. Settlement of

65 such disputes shall be entered into pursuant to the procedures set forth in section 621.045,  
66 RSMo.

67 **5. Use of the procedures set out in this section shall not preclude the application of**  
68 **any other remedy provided by this chapter.**

214.277. 1. Upon application by the division, and the necessary burden having been met,  
2 a court of general jurisdiction may grant an injunction, restraining order or other order as may  
3 be appropriate to enjoin a person from:

4 (1) Offering to engage or engaging in the performance of any acts or practices for which  
5 a certificate of registration or authority, permit or license is required upon a showing that such  
6 acts or practices were performed or offered to be performed without a certificate of registration  
7 or authority, permit or license; or

8 (2) Engaging in any practice or business authorized by a certificate of registration or  
9 authority, permit or license issued pursuant to this chapter upon a showing that the holder  
10 presents a substantial probability of serious danger to the health, safety or welfare of any resident  
11 of this state or client or patient of the licensee.

12 2. [Any such action shall be commenced either in the county in which such conduct  
13 occurred or in the county in which the defendant resides.

14 3.] Any action brought pursuant to this section shall be in addition to and not in lieu of  
15 any penalty provided by this chapter and may be brought concurrently with other actions to  
16 enforce this chapter.

**214.282. 1. Each contract sold by a cemetery operator for cemetery services or for**  
2 **grave lots, grave spaces, markers, monuments, memorials, tombstones, crypts, niches,**  
3 **mausoleums, or other receptacles shall be voidable by the purchaser and deemed**  
4 **unenforceable unless:**

5 (1) **It is in writing;**

6 (2) **It is executed by a cemetery operator who is in compliance with the licensing**  
7 **provisions of this chapter;**

8 (3) **It identifies the contract purchaser and identifies the cemetery services or other**  
9 **items to be provided;**

10 (4) **It identifies the name and address of any trustee or escrow agent that will**  
11 **receive payments made pursuant to the contract under the provisions of sections 214.320,**  
12 **214.330, or 214.387, if applicable;**

13 (5) **It contains the name and address of the cemetery operator; and**

14 (6) **It identifies any grounds for cancellation by the purchaser or by the cemetery**  
15 **operator on default of payment.**

16           **2. If a cemetery prearranged contract does not substantially comply with the**  
17 **provisions of this section, all payments made under such contract shall be recoverable by**  
18 **the purchaser, or the purchaser's legal representative, from the contract seller or other**  
19 **payee thereof, together with interest at the rate of ten percent per annum and all**  
20 **reasonable costs of collection, including attorneys' fees.**

          214.283. **1. Any person, entity, association, city, town, village, county or political**  
2 **subdivision that purchases, receives or holds any real estate used for the burial of dead**  
3 **human bodies, excluding a family burial ground, shall notify the office of the endowed care**  
4 **cemeteries of the name, location and address of such real estate on a form approved by the**  
5 **office, before October 1, 2010, or within thirty days of purchasing, receiving or holding**  
6 **such land or of being notified by the office of the requirements of this provision. No fee**  
7 **shall be charged for such notification nor shall any penalty be assessed for failure to**  
8 **register. This section shall not be deemed to exempt any operator of an endowed care**  
9 **cemetery or non-endowed care cemetery from being duly licensed as required by this**  
10 **chapter.**

11           **2. The division shall establish and maintain a registry of cemeteries and the registry shall**  
12 **be available to the public for review at the division office or copied upon request. The division**  
13 **may charge a fee for copies of the register.**

14           (1) If, in the course of a land survey of property located in this state, a surveyor licensed  
15 pursuant to chapter 327, RSMo, locates any cemetery which has not been previously registered,  
16 the surveyor shall file a statement with the division regarding the location of the cemetery. The  
17 statement shall be filed on a form as defined by division rule. No fee shall be charged to the  
18 surveyor for such filing.

19           (2) Any person, family, group, association, society or county surveyor may submit to the  
20 division, on forms provided by the division, the names and locations of any cemetery located in  
21 this state for inclusion in the registry. No fee shall be charged for such submissions.

          214.300. Any cemetery operator may, after October 13, 1961, qualify to operate a  
2 cemetery which has been operated as a nonendowed cemetery for a minimum of two years, as  
3 an endowed care cemetery by:

4           (1) So electing in compliance with section 214.280;

5           (2) Establishing an endowed care **trust** fund in cash of one thousand dollars for each acre  
6 in said cemetery with a minimum of five thousand dollars and a maximum of twenty-five  
7 thousand dollars;

8           (3) Filing the report required by section 214.340.

          214.310. **1. Any cemetery operator who elects to operate a new cemetery as an endowed**  
2 **care cemetery or who represents to the public that perpetual, permanent, endowed, continual,**



3 eternal care, care of duration or similar care will be furnished cemetery property sold shall create  
4 an endowed care **trust** fund and shall deposit a minimum of twenty-five thousand dollars for  
5 cemeteries that have in excess of one hundred burials annually or a minimum of five thousand  
6 dollars for cemeteries that have one hundred or less burials annually in such fund before selling  
7 or disposing of any burial space in said cemetery, or in lieu thereof such cemetery owner may  
8 furnish a surety bond issued by a bonding company or insurance company authorized to do  
9 business in this state in the face amount of thirty thousand dollars, and such bond shall run to the  
10 office of endowed care cemeteries for the benefit of the care **trust** funds held by such cemetery.  
11 This bond shall be for the purpose of guaranteeing an accumulation of twenty-five thousand  
12 dollars in such care **trust** fund and also for the further purpose of assuring that the cemetery  
13 owner shall provide annual perpetual or endowment care in an amount equal to the annual  
14 reasonable return on a secured cash investment of twenty-five thousand dollars until twenty-five  
15 thousand dollars is accumulated in said endowed care **trust** funds, and these shall be the  
16 conditions of such surety bond; provided, however, the liability of the principal and surety on  
17 the bond shall in no event exceed thirty thousand dollars. Provided further, that whenever a  
18 cemetery owner which has made an initial deposit to the endowed care **trust** fund demonstrates  
19 to the satisfaction of the administrator of the office of endowed care cemeteries that more than  
20 twenty-five thousand dollars has been accumulated in the endowed care **trust** fund, the cemetery  
21 owner may petition the administrator of the office of endowed care cemeteries for an order to  
22 dissolve the surety bond requirement, so long as at least twenty-five thousand dollars always  
23 remains in the endowed care **trust** fund.

24           2. Construction of a mausoleum, lawn crypt, columbarium or crematorium as part of a  
25 cemetery then operated as an endowed care cemetery shall not be considered the establishment  
26 of a new cemetery for purposes of this section.

27           3. Any endowed care cemetery which does not maintain a [fully] **adequately** staffed  
28 office in the county in which the cemetery is located shall have prominently displayed on the  
29 premises a sign clearly stating the operator's name, address and telephone number. If the  
30 operator does not reside in the county in which the cemetery is located, the sign shall also state  
31 the name, address and telephone number of a resident of the county who is the authorized agent  
32 of the operator or the location of an office of the cemetery which is within ten miles of such  
33 cemetery. In jurisdictions where ordinances require signs to meet certain specifications, a  
34 weatherproof notice containing the information required by this subsection shall be sufficient.

214.320. 1. An operator of an endowed care cemetery shall establish and deposit in an  
2 endowed care **trust** fund not less than the following amounts for burial space sold or disposed  
3 of, with such deposits to the endowed care **trust** fund to be made [semiannually] **monthly** on all  
4 burial space that has been fully paid for to the date of deposit:

5 (1) A minimum of fifteen percent of the gross sales price, or twenty dollars, whichever  
6 is greater, for each grave space sold;

7 (2) A minimum of ten percent of the gross sales price of each crypt or niche sold in a  
8 community mausoleum, or a minimum of one hundred dollars for each crypt or [ten dollars for  
9 each niche sold in a garden mausoleum] **fifty dollars for each niche sold in a community**  
10 **mausoleum, whichever is greater;**

11 (3) **A minimum of ten percent of the gross sales price of each crypt or niche sold in**  
12 **a garden mausoleum, or a minimum of one hundred dollars for each crypt or twenty-five**  
13 **dollars for each niche sold in a garden mausoleum, whichever is greater;**

14 (4) A minimum of [seventy-five dollars per grave space for] **ten percent of the gross**  
15 **sales price of each lawn crypt sold or a minimum of seventy-five dollars, whichever is**  
16 **greater.**

17 2. Notwithstanding the provisions of subdivision (2) of subsection 1 of this section, a  
18 cemetery operator who has made the initial deposit in trust as required by sections 214.270 to  
19 214.410 from his own funds, and not from funds deposited with respect to sales of burial space,  
20 may deposit only one-half the minimum amounts set forth in subdivisions (1) and (2) of  
21 subsection 1 of this section, until he shall have recouped his entire initial deposit. Thereafter,  
22 he shall make the minimum deposits required under subdivisions (1), (2) [and], (3), **and (4)** of  
23 subsection 1 of this section.

24 3. **As required by section 214.340,** each operator of an endowed care cemetery shall[,  
25 after August 28, 1990,] file with the division of professional registration, on a form provided by  
26 the division, an annual endowed care trust fund report. The operator of any cemetery  
27 representing the cemetery, or any portion of the cemetery, as an endowed care cemetery shall  
28 make available to the division for inspection or audit at any reasonable time only those cemetery  
29 records and trust fund records necessary to determine whether the cemetery's endowed care **trust**  
30 **fund** is in compliance with sections 214.270 to 214.410. Each cemetery operator who has  
31 established a [segregated] **escrow** account pursuant to section [214.385] **214.387** shall make  
32 available to the division for inspection or audit at any reasonable time those cemetery records  
33 and financial institution records necessary to determine whether the cemetery operator is in  
34 compliance with the provisions of section [214.385]. All documents, records, and work product  
35 from any inspections or audits performed by or at the direction of the division shall remain in the  
36 possession of the division of professional registration and shall not be sent to the state board of  
37 embalmers and funeral directors. No charge shall be made for such inspections or audits]  
38 **214.387.**

39 4. [If any endowed care cemetery operator conducts the trust fund accounting and record  
40 keeping outside of this state, then such operator shall maintain current and accurate copies of

41 such accounting and record keeping within this state and such copies shall be readily available  
42 to the division for inspection or audit purposes.

43 5.] No cemetery operator shall operate or represent to the public by any title, description,  
44 or similar terms that a cemetery provides endowed care unless the cemetery is in compliance  
45 with the provisions of sections 214.270 to 214.410.

46 **5. A cemetery operator shall be exempt from the provisions of chapter 436 for the**  
47 **sale of cemetery services or for grave lots, grave spaces, markers, monuments, memorials,**  
48 **tombstones, crypts, niches or mausoleums, outer burial containers or other receptacle. A**  
49 **cemetery operator shall be prohibited from adjusting or establishing the sales price of**  
50 **items with the intent of evading the trusting or escrow provisions of this chapter.**

214.325. If the deposits to any endowed care **trust** fund [required by sections 214.270  
2 to 214.410] are less than the total sum required to be set aside and deposited since the effective  
3 date of such sections, the cemetery operator shall correct such deficiency by depositing not less  
4 than twenty percent of such deficiency each year for five years [following August 28, 1990,] and  
5 shall file, on the form provided by the division, a statement outlining the date and amount such  
6 deposits were made. If the cemetery operator fails to correct the deficiency **with respect to**  
7 **funds maintained under section 214.330**, the cemetery operator shall thereafter not represent  
8 the cemetery as an endowed care cemetery. Any funds held in the cemetery's endowed care trust  
9 shall continue to be used for endowed care for that cemetery. The cemetery operator shall  
10 remain subject to the provisions of sections 214.270 to 214.410 for any cemetery or any section  
11 of the cemetery for which endowed care payments have been collected, subject to the penalties  
12 contained in section 214.410, and civil actions as well as subject to any regulations promulgated  
13 by the division. **For purposes of this section, the term "deficiency" shall mean a deficiency**  
14 **in the amount required to be deposited pursuant to section 214.320, or a deficiency created**  
15 **by disbursements in excess of what is permitted under section 214.330 and shall not include**  
16 **or be affected by deficiencies or shortages caused by the fluctuating value of investments.**

214.330. 1. [The endowed care fund required by sections 214.270 to 214.410 shall be  
2 permanently set aside in trust or in accordance with the provisions of subsection 2 of this section.  
3 The trustee of the endowed care trust shall be a state- or federally chartered financial institution  
4 authorized to exercise trust powers in Missouri and located in this state. The income from the  
5 endowed care fund shall be distributed to the cemetery operator at least annually or in other  
6 convenient installments. The cemetery operator shall have the duty and responsibility to apply  
7 the income to provide care and maintenance only for that part of the cemetery in which burial  
8 space shall have been sold and with respect to which sales the endowed care fund shall have been  
9 established and not for any other purpose. The principal of such funds shall be kept intact and  
10 appropriately invested by the trustee, or the independent investment advisor. An endowed care

11 trust agreement may provide that when the principal in an endowed care trust exceeds two  
12 hundred fifty thousand dollars, investment decisions regarding the principal and undistributed  
13 income may be made by a federally registered or Missouri-registered independent qualified  
14 investment advisor designated by the cemetery owner, relieving the trustee of all liability  
15 regarding investment decisions made by such qualified investment advisor. It shall be the duty  
16 of the trustee, or the investment advisor, in the investment of such funds to exercise the diligence  
17 and care men of ordinary prudence, intelligence and discretion would employ, but with a view  
18 to permanency of investment considering probable safety of capital investment, income produced  
19 and appreciation of capital investment. The trustee's duties shall be the maintenance of records  
20 and the accounting for and investment of moneys deposited by the operator to the endowed care  
21 fund. For the purposes of sections 214.270 to 214.410, the trustee or investment advisor shall  
22 not be deemed to be responsible for the care, the maintenance, or the operation of the cemetery,  
23 or for any other matter relating to the cemetery, including, but not limited to, compliance with  
24 environmental laws and regulations. With respect to cemetery property maintained by cemetery  
25 care funds, the cemetery operator shall be responsible for the performance of the care and  
26 maintenance of the cemetery property owned by the cemetery operator and for the opening and  
27 closing of all graves, crypts, or niches for human remains in any cemetery property owned by the  
28 cemetery operator.

29         2. If the endowed care cemetery fund is not permanently set aside in a trust fund as  
30 required by subsection 1 of this section then the funds shall be permanently set aside in a  
31 segregated bank account which requires the signature of the cemetery owner and either the  
32 administrator of the office of endowed care cemeteries, or the signature of a licensed practicing  
33 attorney with escrow powers in this state as joint signatories for any distribution from the trust  
34 fund. No funds shall be expended without the signature of either the administrator of the office  
35 of endowed care cemeteries, or a licensed practicing attorney with escrow powers in this state.  
36 The account shall be insured by the Federal Deposit Insurance Corporation or comparable  
37 deposit insurance and held in the state- or federally chartered financial institution authorized to  
38 do business in Missouri and located in this state. The income from the endowed care fund shall  
39 be distributed to the cemetery operator at least in annual or semiannual installments. The  
40 cemetery operator shall have the duty and responsibility to apply the income to provide care and  
41 maintenance only for that part of the cemetery in which burial space shall have been sold and  
42 with respect to which sales the endowed care fund shall have been established and not for any  
43 other purpose. The principal of such funds shall be kept intact and appropriately invested by the  
44 cemetery operator with written approval of either the administrator of the office of endowed care  
45 cemeteries or a licensed practicing attorney with escrow powers in this state. It shall be the duty  
46 of the cemetery owner in the investment of such funds to exercise the diligence and care a person

47 of reasonable prudence, intelligence and discretion would employ, but with a view to  
48 permanency of investment considering probable safety of capital investment, income produced  
49 and appreciation of capital investment. The cemetery owner's duties shall be the maintenance  
50 of records and the accounting for an investment of moneys deposited by the operator to the  
51 endowed care fund. For purposes of sections 214.270 to 214.410, the administrator of the office  
52 of endowed care cemeteries or the licensed practicing attorney with escrow powers in this state  
53 shall not be deemed to be responsible for the care, maintenance, or operation of the cemetery.  
54 With respect to cemetery property maintained by cemetery care funds, the cemetery operator  
55 shall be responsible for the performance of the care and maintenance of the cemetery property  
56 owned by the cemetery operator and for the opening and closing of all graves, crypts, or niches  
57 for human remains in any cemetery property owned by the cemetery operator.

58 3. The cemetery operator shall be accountable to the owners of burial space in the  
59 cemetery for compliance with sections 214.270 to 214.410.

60 4. All endowed care funds shall be administered in accordance with an endowed care  
61 fund agreement. The endowed care fund agreement shall be subject to review and approval by  
62 the office of endowed care cemeteries or by a licensed practicing attorney with escrow powers  
63 in this state. The endowed care cemetery shall be notified in writing by the office of endowed  
64 care cemeteries or by a licensed practicing attorney with escrow powers in this state regarding  
65 the approval or disapproval of the endowed care fund agreement and regarding any changes  
66 required to be made for compliance with this chapter and the rules and regulations promulgated  
67 thereunder. A copy of the proposed endowed care fund agreement shall be submitted to the  
68 office of endowed care cemeteries. The office of endowed care cemeteries or a licensed  
69 practicing attorney with escrow powers in this state shall notify the endowed care cemetery in  
70 writing of approval and of any required change. Any amendment or change to the endowed care  
71 fund agreement shall be submitted to the office of endowed care cemeteries or to a licensed  
72 practicing attorney with escrow powers in this state for review and approval. Said amendment  
73 or change shall not be effective until approved by the office of endowed care cemeteries or by  
74 a licensed practicing attorney with escrow powers in this state. All endowed care cemeteries  
75 shall be under a continuing duty to file with the office of endowed care cemeteries or with a  
76 licensed practicing attorney with escrow powers in this state and to submit for approval any and  
77 all changes, amendment, or revisions of the endowed care fund agreement.

78 5. No principal shall be distributed from an endowed care trust fund except to the extent  
79 that a unitrust election is in effect with respect to such trust under the provisions of section  
80 469.411, RSMo.] **The endowed care trust fund required by sections 214.270 to 214.410 shall**  
81 **be permanently set aside in trust or in accordance with the provisions of subsection 2 of**  
82 **this section. The trustee of the endowed care trust shall be a state or federally chartered**

83 financial institution authorized to exercise trust powers in Missouri. The contact  
84 information for a trust officer or duly appointed representative of the trustee with  
85 knowledge and access to the trust fund accounting and trust fund records must be  
86 disclosed to the office or its duly authorized representative upon request.

87 (1) The trust fund records, including all trust fund accounting records, shall be  
88 maintained in the state of Missouri at all times or shall be electronically stored so that the  
89 records may be made available in the state of Missouri within fifteen business days of  
90 receipt of a written request. The operator of an endowed care cemetery shall maintain a  
91 current name and address of the trustee and the records custodian for the endowed care  
92 trust fund and shall supply such information to the office, or its representative, upon  
93 request;

94 (2) Missouri law shall control all endowed care trust funds and the Missouri courts  
95 shall have jurisdiction over endowed care trusts regardless of where records may be kept  
96 or various administrative tasks may be performed.

97 2. An endowed care trust fund shall be administered in accordance with Missouri  
98 law governing trusts, including but not limited to the applicable provisions of chapters 456  
99 and 469, except as specifically provided in this subsection or where the provisions of  
100 sections 214.270 to 214.410 provide differently, provided that a cemetery operator shall not  
101 in any circumstances be authorized to restrict, enlarge, change, or modify the requirements  
102 of this section or the provisions of chapters 456 and 469 by agreement or otherwise.

103 (1) Income and principal of an endowed care trust fund shall be determined under  
104 the provisions of law applicable to trusts, except that the provisions of section 469.405 shall  
105 not apply.

106 (2) No principal shall be distributed from an endowed care trust fund except to the  
107 extent that a unitrust election is in effect with respect to such trust under the provisions of  
108 section 469.411.

109 (3) No right to transfer jurisdiction from Missouri under section 456.1-108 shall  
110 exist for endowed care trusts.

111 (4) All endowed care trusts shall be irrevocable.

112 (5) No trustee shall have the power to terminate an endowed care trust fund under  
113 the provisions of section 456.4-414.

114 (6) A unitrust election made in accordance with the provisions of chapter 469 shall  
115 be made by the cemetery operator in the terms of the endowed care trust fund agreement  
116 itself, not by the trustee.

117 (7) No contract of insurance shall be deemed a suitable investment for an endowed  
118 care trust fund.

119           **(8) The income from the endowed care fund may be distributed to the cemetery**  
120 **operator at least annually on a date designated by the cemetery operator, but no later than**  
121 **sixty days following the end of the trust fund year. Any income not distributed within sixty**  
122 **days following the end of the trust's fiscal year shall be added to and held as part of the**  
123 **principal of the trust fund.**

124           **3. The cemetery operator shall have the duty and responsibility to apply the income**  
125 **distributed to provide care and maintenance only for that part of the cemetery designated**  
126 **as an endowed care section and not for any other purpose.**

127           **4. In addition to any other duty, obligation, or requirement imposed by sections**  
128 **214.270 to 214.410 or the endowed care trust agreement, the trustee's duties shall be the**  
129 **maintenance of records related to the trust and the accounting for and investment of**  
130 **moneys deposited by the operator to the endowed care trust fund.**

131           **(1) For the purposes of sections 214.270 to 214.410, the trustee shall not be deemed**  
132 **responsible for the care, the maintenance, or the operation of the cemetery, or for any**  
133 **other matter relating to the cemetery, or the proper expenditure of funds distributed by**  
134 **the trustee to the cemetery operator, including, but not limited to, compliance with**  
135 **environmental laws and regulations.**

136           **(2) With respect to cemetery property maintained by endowed care funds, the**  
137 **cemetery operator shall be responsible for the performance of the care and maintenance**  
138 **of the cemetery property.**

139           **5. If the endowed care cemetery fund is not permanently set aside in a trust fund**  
140 **as required by subsection 1 of this section, then the funds shall be permanently set aside**  
141 **in an escrow account in the state of Missouri. Funds in an escrow account shall be placed**  
142 **in an endowed care trust fund under subsection 1 if the funds in the escrow account exceed**  
143 **three hundred fifty thousand dollars, unless otherwise approved by the division for good**  
144 **cause. The account shall be insured by the Federal Deposit Insurance Corporation or**  
145 **comparable deposit insurance and held in a state or federally chartered financial**  
146 **institution authorized to do business in Missouri and located in this state.**

147           **(1) The interest from the escrow account may be distributed to the cemetery**  
148 **operator at least in annual or semiannual installments, but not later than six months**  
149 **following the calendar year. Any interest not distributed within six months following the**  
150 **end of the calendar year shall be added to and held as part of the principal of the account.**

151           **(2) The cemetery operator shall have the duty and responsibility to apply the**  
152 **interest to provide care and maintenance only for that part of the cemetery in which burial**  
153 **space shall have been sold and with respect to which sales the escrow account shall have**  
154 **been established and not for any other purpose. The principal of such funds shall be kept**

155 intact. The cemetery operator's duties shall be the maintenance of records and the  
156 accounting for an investment of moneys deposited by the operator to the escrow account.  
157 For purposes of sections 214.270 to 214.410, the administrator of the office of endowed care  
158 cemeteries shall not be deemed to be responsible for the care, maintenance, or operation  
159 of the cemetery. With respect to cemetery property maintained by cemetery care funds,  
160 the cemetery operator shall be responsible for the performance of the care and  
161 maintenance of the cemetery property owned by the cemetery operator.

162 (3) The division may approve an escrow agent if the escrow agent demonstrates the  
163 knowledge, skill, and ability to handle escrow funds and financial transactions and is of  
164 good moral character.

165 6. The cemetery operator shall be accountable to the owners of burial space in the  
166 cemetery for compliance with sections 214.270 to 214.410.

167 7. Excluding funds held in an escrow account, all endowed care trust funds shall  
168 be administered in accordance with an endowed care trust fund agreement, which shall be  
169 submitted to the office by the cemetery operator for review and approval. The endowed  
170 care cemetery shall be notified in writing by the office of endowed care cemeteries  
171 regarding the approval or disapproval of the endowed care trust fund agreement and  
172 regarding any changes required to be made for compliance with sections 214.270 to 214.410  
173 and the rules and regulations promulgated thereunder.

174 8. All endowed care cemeteries shall be under a continuing duty to file with the  
175 office of endowed care cemeteries and to submit for prior approval any and all changes,  
176 amendments, or revisions of the endowed care trust fund agreement, at least thirty days  
177 before the effective date of such change, amendment, or revision.

178 9. If the endowed care trust fund agreement, or any changes, amendments, or  
179 revisions filed with the office, are not disapproved by the office within thirty days after  
180 submission by the cemetery operator, the endowed care trust fund agreement, or the  
181 related change, amendment, or revision, shall be deemed approved and may be used by the  
182 cemetery operator and the trustee. Notwithstanding any other provision of this section, the  
183 office may review and disapprove an endowed care trust fund agreement, or any submitted  
184 change, amendment, or revision, after the thirty days provided herein or at any other time  
185 if the agreement is not in compliance with sections 214.270 to 214.410 or the rules  
186 promulgated thereunder. Notice of disapproval by the office shall be in writing and  
187 delivered to the cemetery operator and the trustee within ten days of disapproval.

188 10. Funds in an endowed care trust fund or escrow account may be commingled  
189 with endowed care funds for other endowed care cemeteries, provided that the cemetery



190 operator and the trustee shall maintain adequate accounting records of the disbursements,  
191 contributions, and income allocated for each cemetery.

192 **11. By accepting the trusteeship of an endowed care trust or accepting funds as an**  
193 **escrow agent pursuant to sections 214.270 to 214.410, the trustee or escrow agent submits**  
194 **personally to the jurisdiction of the courts of this state and the office of endowed care**  
195 **cemeteries regarding the administration of the trust or escrow account. A trustee or escrow**  
196 **agent shall consent in writing to the jurisdiction of the state of Missouri and the office in**  
197 **regards to the trusteeship or the operation of the escrow account and to the appointment**  
198 **of the office of secretary of state as its agent for service of process regarding any**  
199 **administrative or legal actions relating to the trust or the escrow account, if it has no**  
200 **designated agent for service of process located in this state. Such consent shall be filed with**  
201 **the office prior to accepting funds pursuant to sections 214.270 to 214.410 as trustee or as**  
202 **an escrow agent on a form provided by the office by rule.**

214.335. 1. Any endowed care cemetery may require a contribution to the endowed care  
2 fund or to a separate memorial care fund for each memorial or monument installed on a grave  
3 in the cemetery. Such contribution, if required by a cemetery, shall not exceed twenty cents per  
4 square inch of base area, and shall be charged on every installation regardless of the person  
5 performing the installation. Each contribution made pursuant to a contract or agreement entered  
6 into after August 28, 1990, shall be entrusted and administered pursuant to sections 214.270 to  
7 214.410 for the endowed care fund. Each contribution made pursuant to a contract or agreement  
8 entered into before August 28, 1990, shall be governed by the law in effect at the time the  
9 contract or agreement was entered into.

10 **2. If the deposits to any endowed care trust fund are less than the total sum**  
11 **required to be set aside and deposited since the effective date of such sections, the cemetery**  
12 **operator shall correct such deficiency by depositing not less than twenty percent of such**  
13 **deficiency each year for five years and shall file, on the form provided by the division, a**  
14 **statement outlining the date and amount such deposits were made. If the cemetery**  
15 **operator fails to correct the deficiency with respect to funds maintained under section**  
16 **214.330, the cemetery operator shall thereafter not represent the cemetery as an endowed**  
17 **care cemetery. Any funds held in the cemetery's endowed care trust shall continue to be**  
18 **used for endowed care for that cemetery. The cemetery operator shall remain subject to**  
19 **the provisions of sections 214.270 to 214.410 for any cemetery or any section of the**  
20 **cemetery for which endowed care payments have been collected, subject to the penalties**  
21 **contained in section 214.410, and civil actions, as well as subject to any regulations**  
22 **promulgated by the division. For purposes of this section, the term "deficiency" shall**  
23 **mean a deficiency in the amount required to be deposited pursuant to subsection 1 of this**

24 **section, or a deficiency created by disbursements in excess of what is permitted under**  
25 **section 214.330 and shall not include or be affected by deficiencies or shortages caused by**  
26 **the fluctuating value of investments.**

214.340. 1. Each operator of an endowed care cemetery shall maintain at an office in  
2 the cemetery or, if the cemetery has no office in the cemetery, at an office within a reasonable  
3 distance of the cemetery, the reports of the endowed care **trust** fund's operation for the preceding  
4 seven years. Each report shall contain, at least, the following information:

5 (1) Name and address of the trustee of the endowed care **trust** fund and the depository,  
6 if different from the trustee;

7 (2) Balance per previous year's report;

8 (3) Principal contributions received since previous report;

9 (4) Total earnings since previous report;

10 (5) Total distribution to the cemetery operator since the previous report;

11 (6) Current balance;

12 (7) A statement of all assets listing cash, real or personal property, stocks, bonds, and  
13 other assets, showing cost, acquisition date and current market value of each asset;

14 (8) Total expenses, excluding distributions to cemetery operator, since previous report;  
15 and

16 (9) A statement of the cemetery's total acreage and of its developed acreage.

17 2. Subdivisions (1) through (7) of the report described in subsection 1 above shall be  
18 certified to under oath as complete and correct by a corporate officer of the trustee. Subdivision  
19 (8) of such report shall be certified under oath as complete and correct by an officer of the  
20 cemetery operator. Both the trustee and cemetery operator or officer shall be subject to the  
21 penalty of making a false affidavit or declaration.

22 3. The report shall be placed in the cemetery's office within ninety days of the close of  
23 the trust's fiscal year. A copy of this report shall be filed by the cemetery operator with the  
24 division of professional registration as condition of license renewal as required by subsection 4  
25 of section 214.275. [The report shall not be sent to the state board of embalmers and funeral  
26 directors.]

27 4. Each cemetery operator who establishes [a segregated] **an escrow or trust** account  
28 pursuant to [subsection 1 of section 214.385] **section 214.387** shall file with the report required  
29 under subsection 1 of this section [a segregated] **an escrow or trust** account report that shall  
30 provide the following information:

31 (1) The [number of monuments, markers and memorials] **total face value of all**  
32 **contracts for burial merchandise and services** that have been deferred for delivery by purchase  
33 designation; **and**

34 (2) [The aggregate wholesale cost of all such monuments, markers and memorials; and  
35 (3)] The amount on deposit in the [segregated] **escrow or trust** account established  
36 pursuant to section [214.385] **214.387**, and the account number **in the case of an escrow**  
37 **account.**

214.345. 1. Any cemetery operator who negotiates the sale of burial space in any  
2 cemetery located in this state shall provide each prospective owner of burial space a written  
3 statement, which may be a separate form or a part of the sales contract, which states and explains  
4 in plain language that the burial space is part of an endowed care cemetery; that the cemetery has  
5 established and maintains the endowed care **trust** fund required by law; and that the information  
6 regarding the fund described in section 214.340 is available to the prospective purchaser. If the  
7 burial space is in a nonendowed cemetery, or in a nonendowed section of an endowed care  
8 cemetery, the cemetery operator shall state he has elected not to establish an endowed care **trust**  
9 fund.

10 2. The operator of each endowed care cemetery shall, upon request, give to the public  
11 for retention a copy of the endowed care **trust** fund annual report prepared pursuant to the  
12 provisions of subsection 1 of section 214.340.

214.360. No cemetery operator, nor any director, officer or shareholder of any cemetery  
2 may borrow or in any other way make use of the endowed care **trust** funds for his own use,  
3 directly or indirectly, or for furthering or developing his or any other cemetery, nor may any  
4 trustee lend or make such funds available for said purpose or for the use of any operator or any  
5 director, officer or shareholder of any cemetery.

214.363. In the event of a cemetery's bankruptcy, insolvency, or assignment for the  
2 benefit of creditors, the endowed care **trust** funds shall not be available to any creditor as assets  
3 of the cemetery's owner or to pay any expenses of any bankruptcy or similar proceeding, but shall  
4 be retained intact to provide for the future maintenance of the cemetery.

214.365. Prior to any action as provided in subsection 2 of section 214.205, and when  
2 the division has information that a [public] cemetery is not providing maintenance and care, has  
3 been abandoned, or has ceased operation, the division may investigate the cemetery to determine  
4 the cemetery's current status. If the division finds evidence that the cemetery is abandoned, is  
5 not conducting business, or is not providing maintenance and care, the division may apply to the  
6 circuit court for appointment as receiver, trustee, or successor in trust.

214.367. **1. Prior to selling or otherwise disposing of a majority of the business**  
2 **assets of a cemetery, or a majority of its stock or other ownership interest, if a corporation**  
3 **or other organized business entity, the cemetery operator shall provide written notification**  
4 **to the division of its intent at least thirty days prior to the date set for the transfer, or the**  
5 **closing of the sale, or the date set for termination of its business. Such notice is confidential**

6 **and shall not be considered a public record subject to the provisions of chapter 610 until**  
7 **the sale of the cemetery has been effectuated. Upon receipt of the written notification, the**  
8 **division may take reasonable and necessary action to determine that the cemetery operator**  
9 **has made proper plans to assure that trust funds or funds held in an escrow account for**  
10 **or on behalf of the cemetery will be set aside and used as provided in sections 214.270 to**  
11 **214.410, including, but not limited to, an audit or examination of books and records. The**  
12 **division may waive the requirements of this subsection or may shorten the period of**  
13 **notification for good cause or if the division determines in its discretion that compliance**  
14 **with its provisions are not necessary.**

15 **2. A cemetery operator may complete the sale, transfer, or cessation if the division**  
16 **does not disapprove the transaction within thirty days after receiving notice. Nothing in**  
17 **this section shall be construed to restrict any other right or remedy vested in the division**  
18 **or the attorney general.**

19 **3. A prospective purchaser or transferee of [any endowed care] endowed or unendowed**  
20 **cemetery, with the written consent of the cemetery operator, may obtain a copy of the cemetery's**  
21 **most recent audit or inspection report from the division. The division shall inform the**  
22 **prospective purchaser or transferee, within thirty days, whether the cemetery may continue to**  
23 **operate and be represented as [an endowed care] a cemetery.**

214.387. 1. [Upon written instructions from the purchaser of burial merchandise or  
2 burial services set forth in a cemetery prearranged contract, a cemetery may defer delivery of  
3 such burial merchandise or a warehouse receipt for the same under section 214.385, or  
4 performance of services, to a date designated by the purchaser, provided the cemetery operator,  
5 after deducting sales and administrative costs not to exceed twenty percent of the purchase price,  
6 deposits the remaining portion of the purchase price into an escrow or trust account as herein  
7 provided, within sixty days following receipt of payment from the purchaser. Funds so deposited  
8 pursuant to this section shall be maintained in such account until delivery of the property or the  
9 performance of services is made or the contract for the purchase of such property or services is  
10 canceled. The account is subject to inspection, examination or audit by the division. No  
11 withdrawals may be made from the escrow or trust account established pursuant to this section  
12 except as herein provided.

13 2. Upon written instructions from the purchaser of an interment, entombment, or  
14 inurnment cemetery service, a cemetery may defer performance of such service to a date  
15 designated by the purchaser, provided the cemetery operator, within forty-five days of the date  
16 the agreement is paid in full, deposits from its own funds an amount equal to eighty percent of  
17 the published retail price into a trusteed account. Funds deposited in a trusteed account pursuant  
18 to this section and section 214.385 shall be maintained in such account until delivery of the

19 service is made or the agreement for the purchase of the service is canceled. No withdrawals may  
20 be made from the trustee account established pursuant to this section and section 214.385  
21 except as provided herein. Money in this account shall be invested utilizing the prudent man  
22 theory and is subject to audit by the division. Names and addresses of depositories of such  
23 money shall be submitted with the annual report.

24 3. Upon the delivery of the interment, entombment, or inurnment cemetery service  
25 agreed upon by the cemetery or its agent, or the cancellation of the agreement for the purchase  
26 of such service, the cemetery operator may withdraw from the trustee account an amount equal  
27 to (i) the market value of the trustee account based on the most recent account statement issued  
28 to the cemetery operator, times (ii) the ratio the service's deposit in the account bears to the  
29 aggregate deposit of all services which are paid in full but not delivered. The trustee account  
30 may be inspected or audited by the division.

31 4. The provisions of this section shall apply to all agreements entered into after August  
32 28, 2002.] **With the exception of sales made pursuant to section 214.385, all sales of**  
33 **prearranged burial merchandise and services shall be made pursuant to this section.**

34 2. **Upon written instructions from the purchaser of burial merchandise or burial**  
35 **services set forth in a cemetery prearranged contract, a cemetery may defer delivery of**  
36 **such burial merchandise or a warehouse receipt for the same under section 214.385, or**  
37 **performance of services, to a date designated by the purchaser, provided the cemetery**  
38 **operator, after deducting sales and administrative costs associated with the sale, not to**  
39 **exceed twenty percent of the purchase price, deposits the remaining portion of the**  
40 **purchase price into an escrow or trust account as herein provided, within sixty days**  
41 **following receipt of payment from the purchaser. Funds so deposited pursuant to this**  
42 **section shall be maintained in such account until delivery of the property or the**  
43 **performance of services is made or the contract for the purchase of such property or**  
44 **services is cancelled, and fees and costs associated with the maintenance of the trust or**  
45 **escrow arrangement shall be charged to these funds. The account is subject to inspection,**  
46 **examination or audit by the division. No withdrawals may be made from the escrow or**  
47 **trust account established pursuant to this section except as herein provided.**

48 3. **Each escrow arrangement must comply with the following:**

49 (1) **The escrow agent shall be located in Missouri, authorized to exercise escrow**  
50 **powers, and shall maintain the escrow records so that they may be accessed and produced**  
51 **for inspection within five business days of the agent's receipt of a written request made by**  
52 **the office or its duly authorized representative. A cemetery operator shall not serve as an**  
53 **escrow agent for the cemetery operator's account nor shall the escrow agent be employed**  
54 **by or under common ownership with the cemetery operator. The cemetery operator shall**

55 **maintain a current name and address for the escrow agent with the office, and shall obtain**  
56 **written approval from the office before making any change in the name or address of the**  
57 **escrow agent. Notwithstanding any other provision of law, information regarding the**  
58 **escrow agent shall be deemed an open record;**

59 **(2) The escrow account funds shall be maintained in depository accounts at a**  
60 **Missouri financial institution that provides Federal Deposit Insurance Corporation or**  
61 **comparable deposit insurance;**

62 **(3) The escrow arrangement shall be administered by the escrow agent pursuant**  
63 **to an agreement approved by the office under the same filing and approval procedure as**  
64 **that set forth for endowed care trust fund agreements in section 214.330;**

65 **(4) The operator shall establish a separate depository account for each cemetery**  
66 **prearranged contract administered pursuant to this subsection;**

67 **(5) The division may promulgate by rule a form escrow agreement to be used by**  
68 **a cemetery operator operating pursuant to this section.**

69 **4. Each trust must comply with the following:**

70 **(1) The trustee shall be a state or federally chartered financial institution**  
71 **authorized to exercise trust powers in Missouri, provided that a foreign financial**  
72 **institution must be approved by the office;**

73 **(2) The trust fund records, including all trust fund accounting records, shall either**  
74 **be maintained in the state of Missouri or shall be electronically stored so that the records**  
75 **may be made available within fifteen business days of the trustee's receipt of a written**  
76 **request made by the office or its duly authorized representative. The cemetery operator**  
77 **shall maintain a current name and address of the trustee and the records custodian and**  
78 **shall supply such information to the office or its representative upon request;**

79 **(3) The principal of such funds shall be appropriately invested pursuant to the**  
80 **prudent investor rule under chapter 469, provided that no trust funds shall be invested in**  
81 **any term insurance product;**

82 **(4) Payments regarding two or more cemetery prearranged contracts may be**  
83 **deposited into and commingled in the same trust, so long as adequate records are made**  
84 **available to the trustee to account for cemetery prearranged contracts on an individual**  
85 **basis with regard to deposits, earnings, distributions, and any taxes;**

86 **(5) Trust instruments shall be subject to the same filing and approval procedure**  
87 **as that set forth for endowed care trust fund agreements under section 214.330;**

88 **(6) A trustee may commingle the funds from trusts of unrelated cemetery operators**  
89 **for investment purposes if the trustee has adequate accounting for the allocations,**  
90 **disbursements, payments, and income among the participating trusts.**

91           **5. The income from escrow accounts, after payment of expenses associated with the**  
92 **arrangement, shall be distributed to the cemetery operator. All other distributions from**  
93 **trusts and escrow accounts shall be made pursuant to forms approved by the office. For**  
94 **performance of a cemetery prearranged contract, a certificate of performance form signed**  
95 **by the cemetery operator shall be required for distribution. For cancellation of a cemetery**  
96 **prearranged contract, a certificate of cancellation form signed by the cemetery operator**  
97 **and the purchaser shall be required for distribution.**

98           **6. A cemetery prearranged contract is subject to cancellation as follows:**

99           **(1) At any time before the final disposition of the deceased, or before the services**  
100 **or merchandise described in this section are provided, the purchaser may cancel the**  
101 **contract without cause by delivering written notice thereof to the operator. Within fifteen**  
102 **days after its receipt of such notice, the cemetery operator shall pay to the purchaser a net**  
103 **amount equal to eighty percent of all payments made under the contract. The cemetery**  
104 **operator shall be entitled to keep one-half of the interest earned on trust funds. Upon**  
105 **delivery of the purchaser's receipt for such payment to the escrow agent or trustee, the**  
106 **escrow agent or trustee shall distribute to the cemetery operator from the escrow account**  
107 **or trust an amount equal to all deposits made into the escrow account or trust for the**  
108 **contract;**

109           **(2) Notwithstanding the provisions of subdivision (1) of this subsection, if a**  
110 **purchaser is eligible, becomes eligible, or desires to become eligible, to receive public**  
111 **assistance under chapter 208 or any other applicable state or federal law, the purchaser**  
112 **may irrevocably waive and renounce his right to cancel the contract pursuant to the**  
113 **provisions of subdivision (1) of this section, which waiver and renunciation shall be made**  
114 **in writing and delivered to the cemetery operator;**

115           **(3) Notwithstanding the provisions of subdivision (1) of this subsection, any**  
116 **purchaser, within thirty days of receipt of the executed contract, may cancel the contract**  
117 **without cause by delivering written notice thereof to the cemetery operator, and receive a**  
118 **full refund of all payments made on the contract;**

119           **(4) Notwithstanding the provisions of subdivision (1) of this subsection, once any**  
120 **purchase order is entered for the production or manufacture of burial merchandise, per**  
121 **the purchaser's written request, the purchaser's obligation to pay for said burial**  
122 **merchandise shall be noncancellable;**

123           **(5) No funds subject to a purchaser's right of cancellation hereunder shall be**  
124 **subject to the claims of the cemetery operator's creditors.**

125           **7. Burial merchandise sold through a contract with a cemetery or cemetery**  
126 **operator which is entered into after the death of the individual for whom the burial**

127 merchandise is intended shall not be subject to any trusting or escrow requirement of this  
128 section.

129 **8. This section shall apply to all agreements entered into after August 28, 2010.**

**214.389. 1. The division may direct a trustee, financial institution, or escrow agent  
2 to suspend distribution from an endowed care trust fund or escrow account if the cemetery  
3 operator does not have a current and active cemetery operator license, has failed to file an  
4 annual report, or if, after an audit or examination, the division determines there is a  
5 deficiency in an endowed care trust fund or escrow account maintained under section  
6 214.330 and the cemetery operator has failed to file a corrective action plan detailing how  
7 the deficiency shall be remedied. For purposes of this section, a deficiency shall only be  
8 deemed to exist if, after an audit or examination, the division determines a cemetery  
9 operator has failed to deposit the total aggregate of funds required to be deposited in trust  
10 or an escrow account pursuant to section 214.320 or subsection 1 of section 214.335, or has  
11 received disbursements from the trust or escrow account in excess of what is permitted  
12 under section 214.330. No deficiency shall be deemed to be created by fluctuations in the  
13 value of investments held in trust or escrow.**

**14 2. The division shall provide written notification to the cemetery operator and the  
15 trustee, financial institution, or escrow agent within fourteen days of discovering a  
16 potential violation as described in this section. Upon receipt of written notification from  
17 the division, the cemetery operator shall have sixty days to cure any alleged violations or  
18 deficiencies cited in the notification without a suspension of distribution. If, after the sixty-  
19 day time period, the division feels the cemetery has not cured the alleged violations or  
20 deficiencies cited in the notification, the division may send a notice of suspension to the  
21 cemetery operator that the division is ordering a suspension of distribution as described  
22 in this section. In the event of a suspension of distribution, the amount of any distribution  
23 suspended shall become principal, with credit against the deficiency, unless the cemetery  
24 operator files an appeal with a court of competent jurisdiction or with the administrative  
25 hearing commission, as provided herein. In the event of an appeal, a cemetery operator  
26 may request the court or administrative hearing commission stay the suspension of  
27 distribution after a showing of necessity and good cause or authorize payment from the  
28 endowed care trust fund or escrow account for necessary expenses from any amount  
29 subject to distribution.**

**30 3. Upon receipt of an order from the division suspending distribution pursuant to  
31 this section, a trustee, financial institution, or escrow agent shall immediately suspend  
32 distribution as required by the order. A trustee, financial institution, or escrow agent shall  
33 be exempt from liability for failure to distribute funds as ordered by the division.**



34           **4. A cemetery operator may appeal an order suspending distribution pursuant to**  
35 **this section to the administrative hearing commission. The administrative hearing**  
36 **commission shall receive notice of such appeal within thirty days from the date the notice**  
37 **of suspension was mailed by certified mail. Failure of a person whose license was**  
38 **suspended to notify the administrative hearing commission of his or her intent to appeal**  
39 **waives all rights to appeal the suspension. Upon notice of such person's intent to appeal,**  
40 **a hearing shall be held before the administrative hearing commission pursuant to chapter**  
41 **621.**

42           **5. A cemetery operator may apply for reinstatement of distributions upon**  
43 **demonstration that the deficiencies or other problems have been cured or that the operator**  
44 **has otherwise come into compliance.**

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

214.392. 1. The division shall:

2           (1) Recommend prosecution for violations of the provisions of sections 214.270 to  
3 214.410 to the appropriate prosecuting, circuit attorney or to the attorney general;

4           (2) Employ, within limits of the funds appropriated, such employees as are necessary to  
5 carry out the provisions of sections 214.270 to 214.410;

6           (3) Be allowed to convey full authority to each city or county governing body the use of  
7 inmates controlled by the department of corrections and the board of probation and parole to care  
8 for abandoned cemeteries located within the boundaries of each city or county;

9           (4) Exercise all budgeting, purchasing, reporting and other related management  
10 functions;

11           **(5) Be authorized, within the limits of the funds appropriated to conduct**  
12 **investigations, examinations, or audits to determine compliance with sections 214.270 to**  
13 **214.410;**

14           **(6) The division may promulgate rules necessary to implement the provisions of sections**  
15 **214.270 to 214.516, including but not limited to:**

16 (a) Rules setting the amount of fees authorized pursuant to sections 214.270 to 214.516.  
17 The fees shall be set at a level to produce revenue that shall not substantially exceed the cost and  
18 expense of administering sections 214.270 to 214.516. All moneys received by the division  
19 pursuant to sections 214.270 to 214.516 shall be collected by the director who shall transmit such  
20 moneys to the department of revenue for deposit in the state treasury to the credit of the endowed  
21 care cemetery audit fund created in section 193.265, RSMo;

22 (b) Rules to administer the inspection and audit provisions of the endowed care cemetery  
23 law;

24 (c) Rules for the establishment and maintenance of the cemetery registry pursuant to  
25 section 214.283.

26 2. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that  
27 is created under the authority delegated in this section shall become effective only if it complies  
28 with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section  
29 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers  
30 vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the  
31 effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the  
32 grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be  
33 invalid and void.

214.400. Sections 214.270 to 214.410 shall be known as the "Cemetery Endowed Care  
2 **Trust Fund Law**".

214.410. 1. Any cemetery operator who shall willfully violate any provisions of sections  
2 214.270 to 214.410 for which no penalty is otherwise prescribed shall be deemed guilty of a  
3 misdemeanor and upon conviction thereof shall be fined a sum not to exceed five hundred  
4 dollars or shall be confined not more than six months or both.

5 2. Any cemetery operator who shall willfully violate any provision of [section] **sections**  
6 214.320, 214.330, 214.335, 214.340, 214.360 [or], 214.385, **or 214.387** shall be deemed guilty  
7 of a class D felony and upon conviction thereof shall be fined a sum not to exceed ten thousand  
8 dollars or shall be confined not more than five years or both. This section shall not apply to  
9 cemeteries or cemetery associations which do not sell lots in the cemetery.

10 3. Any trustee who shall willfully violate any applicable provisions of sections 214.270  
11 to 214.410 shall have committed an unsafe and unsound banking practice and shall be penalized  
12 as authorized by chapters 361 and 362, RSMo. This subsection shall be enforced exclusively by  
13 the Missouri division of finance for state chartered institutions and the Missouri attorney general  
14 for federally chartered institutions.

15 4. Any person who shall willfully violate any provision of section 214.320, 214.330,  
16 214.335, 214.340, 214.360 or 214.385 or violates any rule, regulation or order of the division

17 may, in accordance with the regulations issued by the division, be assessed an administrative  
18 penalty by the division. The penalty shall not exceed five thousand dollars for each violation and  
19 each day of the continuing violation shall be deemed a separate violation for purposes of  
20 administrative penalty assessment. However, no administrative penalty may be assessed until  
21 the person charged with the violation has been given the opportunity for a hearing on the  
22 violation. Penalty assessments received shall be deposited in the endowed care cemetery audit  
23 fund created in section 193.265, RSMo.

214.500. Any cemetery located in a city [not within a county,] which has become the  
2 property of such city pursuant to section 214.205 or a public tax sale may be sold to another  
3 cemetery operator or a not-for-profit corporation which is unrelated to the previous cemetery  
4 operator.

214.504. Any cemetery operator who purchases a cemetery from a city [not within a  
2 county] pursuant to sections 214.500 to 214.516 shall not be liable for any wrongful interments  
3 or errors made in the sale of plots prior to the cemetery operator's purchase of the cemetery, nor  
4 shall such cemetery operator be liable for multiple ownership of plots sold by such cemetery  
5 operator due to a lack of adequate records in such cemetery operator's possession at the time of  
6 such cemetery operator's purchase of such cemetery from the city, provided the cemetery  
7 operator offers a plot of equal value for the interment, if such party can prove ownership of the  
8 right to bury a person by presenting a contract for the right to burial.

214.508. Any cemetery operator who purchases a cemetery from a city [not within a  
2 county] shall not be held liable or responsible for any conditions existing or actions taken which  
3 occurred prior to the cemetery operator's purchase from such city; except that, the exemption  
4 provided in this section shall not relieve any previous owner or wrongdoer for their actions  
5 related to such cemetery.

214.512. Any subsequent cemetery owner after a city [not within a county] shall be  
2 exempt from the provisions of section 214.325 and section 214.410 for any deficiency existing  
3 prior to such city's ownership; except that, such exemption shall not relieve any previous  
4 cemetery owners or wrongdoers from the provisions of such sections.

214.516. Any cemetery owner subsequent to a city [not within a county], regardless of  
2 whether such cemetery was previously registered as an endowed care cemetery, held itself out  
3 to be an endowed care cemetery or was a nonendowed care cemetery, shall comply with section  
4 214.310 and register such cemetery as an endowed care cemetery as if it were a newly created  
5 cemetery with no interments at the time of such registration. Any contracts for the right of burial  
6 sold after compliance with section 214.310 and all subsequent action of a subsequent cemetery  
7 owner shall comply fully with the provisions of sections 214.270 to 214.410.

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

2 (1) "Cremains", the [ashes that remain after cremation of a human corpse] **remains of**  
3 **a human corpse after cremation;**

4 (2) "Operator", a church that owns and maintains a religious cemetery;

5 (3) "Religious cemetery", a cemetery owned, operated, controlled, or managed by any  
6 church that has or would qualify for federal tax-exempt status as a nonprofit religious  
7 organization pursuant to section 501(c) of the Internal Revenue Code as amended;

8 (4) "Scatter garden", a location for the spreading of cremains set aside within a cemetery.

9 2. It shall be lawful for any operator of a religious cemetery adjacent to a church building  
10 or other building regularly used as a place of worship to establish a scatter garden for the purpose  
11 of scattering human cremains.

12 3. The operator of any religious cemetery containing a scatter garden shall maintain,  
13 protect, and supervise the scatter garden, and shall be responsible for all costs incurred for such  
14 maintenance, protection, and supervision. Such operator shall also maintain a record of all  
15 cremains scattered in the scatter garden that shall include the name, date of death, and Social  
16 Security number of each person whose cremains are scattered, and the date the cremains were  
17 scattered.

18 4. A scatter garden established pursuant to this section shall be maintained by the  
19 operator of the religious cemetery for as long as such operator is in existence. Upon dissolution  
20 of such operator, all records of cremains shall be transferred to the clerk of the city, town, or  
21 village in which the scatter garden is located, or if the scatter garden is located in any  
22 unincorporated area, to the county recorder.

**246.310. The provisions of section 262.802 shall not apply to any drainage district  
2 or levee district formed under the laws of this state.**

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.

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

327.031. 1. The "Missouri Board for Architects, Professional Engineers, Professional  
2 Land Surveyors and Landscape Architects" is hereby established and shall consist of [fourteen]  
3 **fifteen** members: a chairperson, who may be either an architect, a professional engineer [or] ,  
4 a professional land surveyor, **or a landscape architect**; three architects, who shall constitute the  
5 architectural division of the board; [three] **four** professional engineers, who shall constitute its  
6 professional engineering division; three professional land surveyors, who shall constitute its  
7 professional land surveying division; three landscape architects, who shall constitute its  
8 landscape [architecture] **architectural** division; and a voting public member.

9 2. After receiving his or her commission and before entering upon the discharge of his  
10 or her official duties, each member of the board shall take, subscribe to and file in the office of  
11 the secretary of state the official oath required by the constitution.

12 3. The chairperson shall be the administrative and executive officer of the board, and it  
13 shall be his or her duty to supervise and expedite the work of the board and its divisions, and,  
14 at his or her election, when a tie exists between the divisions of the board, to break the tie by  
15 recording his or her vote for or against the action upon which the divisions are in disagreement.  
16 Each member of the architectural division shall have one vote when voting on an action pending

17 before the board; each member of the professional engineering division shall have one vote when  
18 voting on an action pending before the board; [the chairperson of the landscape architecture  
19 division or the chairperson's designee] **each member of the professional land surveying**  
20 **division shall have one vote when voting on an action pending before the board; and each**  
21 **member of the landscape architectural division** shall have one vote when voting on an action  
22 pending before the board[; and each member of the professional land surveying division shall  
23 have one vote when voting on an action pending before the board]. Every motion or proposed  
24 action upon which the divisions of the board are tied shall be deemed lost, and the chairperson  
25 shall so declare, unless the chairperson shall elect to break the tie as provided in this section.  
26 [Seven] **Eight** voting members of the board [and two members] , **including at least one**  
27 **member** of each division, shall constitute a quorum, respectively, for the transaction of **board**  
28 business.

29 4. Each division of the board shall, at its first meeting in each even-numbered year, elect  
30 one of its members as division chairperson for a term of two years. **Two voting members of**  
31 **each division of the board shall constitute a quorum for the transaction of division**  
32 **business.** The chairpersons of the architectural division, professional engineering division [and  
33 the] , professional land surveying division, **and landscape architectural division** so elected  
34 shall be vice chairpersons of the board, and when the chairperson of the board is an architect, the  
35 chairperson of the architectural division shall be the ranking vice chairperson, and when the  
36 chairperson of the board is a professional engineer, the chairperson of the professional  
37 engineering division shall be the ranking vice chairperson, [and] when the chairperson of the  
38 board is a professional land surveyor, the chairperson of the professional land surveying division  
39 shall be the ranking vice chairperson, **and when the chairperson of the board is a landscape**  
40 **architect, the chairperson of the landscape architectural division shall be the ranking vice**  
41 **chairperson.** The chairperson of each division shall be the administrative and executive officer  
42 of his or her division, and it shall be his or her duty to supervise and expedite the work of the  
43 division, and, in case of a tie vote on any matter, the chairperson shall, at his or her election,  
44 break the tie by his or her vote. Every motion or question pending before the division upon  
45 which a tie exists shall be deemed lost, and so declared by the chairperson of the division, unless  
46 the chairperson shall elect to break such tie by his or her vote.

47 5. Any person appointed to the board, except a public member, shall be a currently  
48 licensed architect, licensed professional engineer, licensed professional land surveyor or  
49 registered or licensed landscape architect in Missouri, as the vacancy on the board may require,  
50 who has been a resident of Missouri for at least five years, who has been engaged in active  
51 practice as an architect, professional engineer, professional land surveyor or landscape architect,  
52 as the case may be, for at least ten consecutive years immediately preceding such person's

53 appointment and who is and has been a citizen of the United States for at least five years  
54 immediately preceding such person's appointment. Active service as a faculty member while  
55 holding the rank of assistant professor or higher in an accredited school of engineering shall be  
56 regarded as active practice of engineering, for the purposes of this chapter. Active service as a  
57 faculty member, after meeting the qualifications required by section 327.314, while holding the  
58 rank of assistant professor or higher in an accredited school of engineering and teaching land  
59 surveying courses shall be regarded [an] as active practice of land surveying for the purposes of  
60 this chapter. **Active service as a faculty member while holding the rank of assistant**  
61 **professor or higher in an accredited school of landscape architecture shall be regarded as**  
62 **active practice of landscape architecture, for the purposes of this chapter.** Active service  
63 as a faculty member while holding the rank of assistant professor or higher in an accredited  
64 school of architecture shall be regarded as active practice of architecture for the purposes of this  
65 chapter; provided, however, that no faculty member of an accredited school of architecture shall  
66 be eligible for appointment to the board unless such person has had at least three years'  
67 experience in the active practice of architecture other than in teaching. The public member shall  
68 be, at the time of appointment, a citizen of the United States; a resident of this state for a period  
69 of one year and a registered voter; a person who is not and never was a member of any profession  
70 licensed or regulated pursuant to this chapter or the spouse of such person; and a person who  
71 does not have and never has had a material, financial interest in either the providing of the  
72 professional services regulated by this chapter, or an activity or organization directly related to  
73 any profession licensed or regulated pursuant to this chapter. All members, including public  
74 members, shall be chosen from lists submitted by the director of the division of professional  
75 registration. The duties of the public member shall not include the determination of the technical  
76 requirements to be met for licensure or whether any person meets such technical requirements  
77 or of the technical competence or technical judgment of a licensee or a candidate for licensure.

78 6. The governor shall appoint the chairperson and the other members of the board when  
79 a vacancy occurs either by the expiration of a term or otherwise, and each board member shall  
80 serve until such member's successor is appointed and has qualified. **Beginning August 28,**  
81 **2010,** the position of chairperson shall [alternate among an architect, a professional engineer and  
82 a professional land surveyor] **rotate sequentially with an architect, then professional**  
83 **engineer, then professional land surveyor, then landscape architect, and shall be a licensee**  
84 **who has previously served as a member of the board. The appointment of the chairperson**  
85 **shall be for a term of four years which shall be deemed to have begun on the date of his or**  
86 **her appointment and shall end upon the appointment of the chairperson's successor. The**  
87 **chairperson shall not serve more than one term.** All other appointments, except to fill an  
88 unexpired term, shall be for terms of four years; but no person shall serve on the board for more

89 than two consecutive four-year terms, and each four-year term shall be deemed to have begun  
90 on the date of the expiration of the term of the board member who is being replaced or  
91 reappointed, as the case may be. Any appointment to the board which is made when the senate  
92 is not in session shall be submitted to the senate for its advice and consent at its next session  
93 following the date of the appointment.

94 7. In the event that a vacancy is to occur on the board because of the expiration of a term,  
95 then ninety days prior to the expiration, or as soon as feasible after a vacancy otherwise occurs,  
96 the president of the American Institute of Architects/Missouri if the vacancy to be filled requires  
97 the appointment of an architect, [the president of the Missouri Association of Landscape  
98 Architects if the vacancy to be filled requires the appointment of a landscape architect,] the  
99 president of the Missouri Society of Professional Engineers if the vacancy to be filled requires  
100 the appointment of an engineer, [and] the president of the Missouri Society of Professional  
101 Surveyors if the vacancy to be filled requires the appointment of a land surveyor, **and the**  
102 **president of the Missouri Association of Landscape Architects if the vacancy to be filled**  
103 **requires the appointment of a landscape architect**, shall submit to the director of the division  
104 of professional registration a list of five architects or five professional engineers, [five landscape  
105 architects] or five professional land surveyors, **or five landscape architects** as the case may  
106 require, qualified and willing to fill the vacancy in question, with the recommendation that the  
107 governor appoint one of the five persons so listed; and with the list of names so submitted, the  
108 president of the appropriate organization shall include in a letter of transmittal a description of  
109 the method by which the names were chosen. This subsection shall not apply to public member  
110 vacancies.

111 8. The board may sue and be sued as the Missouri board for architects, professional  
112 engineers, professional land surveyors and landscape architects, and its members need not be  
113 named as parties. Members of the board shall not be personally liable either jointly or severally  
114 for any act or acts committed in the performance of their official duties as board members, nor  
115 shall any board member be personally liable for any court costs which accrue in any action by  
116 or against the board.

117 9. Upon appointment by the governor and confirmation by the senate of the landscape  
118 [architecture] **architectural** division, the landscape architectural council is hereby abolished and  
119 all of its powers, duties and responsibilities are transferred to and imposed upon the Missouri  
120 board for architects, professional engineers, professional land surveyors and landscape architects  
121 established pursuant to this section. Every act performed by or under the authority of the  
122 Missouri board for architects, professional engineers, professional land surveyors and landscape  
123 architects shall be deemed to have the same force and effect as if performed by the landscape  
124 architectural council pursuant to sections 327.600 to 327.635. All rules and regulations of the



125 landscape architectural council shall continue in effect and shall be deemed to be duly adopted  
126 rules and regulations of the Missouri board [of] **for** architects, professional engineers,  
127 professional [landscape architects and land surveyors] **land surveyors and landscape architects**  
128 until such rules and regulations are revised, amended or repealed by the board as provided by  
129 law, such action to be taken by the board on or before January 1, 2002.

130 10. Upon appointment by the governor and confirmation by the senate of the landscape  
131 [architecture] **architectural** division, all moneys deposited in the landscape architectural council  
132 fund created in section 327.625 shall be transferred to the state board for architects, professional  
133 engineers, professional land surveyors and landscape architects fund created in section 327.081.  
134 The landscape architectural council fund shall be abolished upon the transfer of all moneys in  
135 it to the state board [of] **for** architects, professional engineers, **professional** land surveyors and  
136 landscape architects.

327.041. 1. The board shall have the duty and the power to carry out the purposes and  
2 to enforce and administer the provisions of this chapter, to require, by summons or subpoena,  
3 with [the advice of the attorney general and upon] the vote of two-thirds of the voting board  
4 members, the attendance and testimony of witnesses, and the production of drawings, plans,  
5 plats, specifications, books, papers or any document representing any matter under hearing or  
6 investigation, pertaining to the issuance, probation, suspension or revocation of certificates of  
7 registration or certificates of authority provided for in this chapter, or pertaining to the unlawful  
8 practice of architecture, professional engineering, professional land surveying or landscape  
9 architecture.

10 2. The board shall, within the scope and purview of the provisions of this chapter,  
11 prescribe the duties of its officers and employees and adopt, publish and enforce the rules and  
12 regulations of professional conduct which shall establish and maintain appropriate standards of  
13 competence and integrity in the professions of architecture, professional engineering,  
14 professional land surveying and landscape architecture, and adopt, publish and enforce  
15 procedural rules and regulations as may be considered by the board to be necessary or proper for  
16 the conduct of the board's business and the management of its affairs, and for the effective  
17 administration and interpretation of the provisions of this chapter. Any rule or portion of a rule,  
18 as that term is defined in section 536.010, RSMo, that is created under the authority delegated  
19 in this chapter shall become effective only if it complies with and is subject to all of the  
20 provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and  
21 chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly  
22 pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul  
23 a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule  
24 proposed or adopted after August 28, 2001, shall be invalid and void.

25 3. Rules promulgated by the board pursuant to sections 327.272 to 327.635 shall be  
26 consistent with and shall not supersede the rules promulgated by the department of natural  
27 resources pursuant to chapter 60, RSMo.

327.272. 1. **A professional land surveyor shall include** any person who practices in  
2 Missouri as a professional land surveyor who uses the title of "surveyor" alone or in combination  
3 with any other word or words including, but not limited to "registered", "professional" or "land"  
4 indicating or implying that the person is, or holds himself or herself out to be a professional land  
5 surveyor who by word or words, letters, figures, degrees, titles or other descriptions indicates or  
6 implies that the person is a professional land surveyor or is willing or able to practice  
7 professional land surveying or who renders or offers to render, or holds himself or herself out  
8 as willing or able to render, or perform any service or work, the adequate performance of which  
9 involves the special knowledge and application of the principles of **land surveying**,  
10 mathematics, the related physical and applied sciences, and the relevant requirements of law, all  
11 of which are acquired by education, training, experience and examination, that affect real  
12 property rights on, under or above the land and which service or work involves:

13 (1) The **determination, location, relocation, establishment, reestablishment, layout,**  
14 **or retracing** of land boundaries **and positions of the United States Public Land Survey**  
15 **System;**

16 (2) Monumentation of land boundaries, land boundary corners and corners of the United  
17 States Public Land Survey System;

18 (3) The subdivision of land into smaller tracts;

19 (4) **Creating, preparing, or modifying electronic or computerized data relative to**  
20 **the performance of the activities in subdivisions (1) to (3) of this subsection;**

21 (5) Consultation, investigation, evaluation, planning, design and execution of surveys;

22 [(5)] (6) The preparation of any drawings showing the shape, location, dimensions or  
23 area of tracts of land;

24 [(6)] (7) Monumentation of geodetic control and the determination of their horizontal  
25 and vertical positions;

26 [(7)] (8) Establishment of state plane coordinates;

27 [(8)] (9) Topographic surveys and the determination of the horizontal and vertical  
28 location of any physical features on, under or above the land;

29 [(9)] (10) The preparation of plats, maps or other drawings showing elevations and the  
30 locations of improvements and the measurement and preparation of drawings showing existing  
31 improvements after construction;

32 [(10)] (11) Layout of proposed improvements;

33 [(11)] (12) The determination of azimuths by astronomic observations.

34           2. None of the specific duties listed in subdivisions (4) to [(11)] **(12)** of subsection 1 of  
35 this section are exclusive to professional land surveyors unless they affect real property rights.  
36 For the purposes of this section, the term "real property rights" means a recordable interest in real  
37 estate as it affects the location of land boundary lines.

38           3. Nothing in this section shall be construed to preclude the practice of architecture or  
39 professional engineering as provided in sections 327.091 and 327.181.

40           4. Nothing in this section shall be construed to prohibit the subdivision of land pursuant  
41 to section 137.185, RSMo.

          327.351. 1. The professional license issued to every professional land surveyor in  
2 Missouri, including certificates of authority issued to corporations as provided in section  
3 327.401, shall be renewed on or before the license or certificate renewal date provided that the  
4 required fee is paid. The license of any professional land surveyor or the certificate of authority  
5 of any such corporation which is not renewed within three months of the renewal date shall be  
6 suspended automatically, subject to the right of the holder of such suspended license or  
7 certificate to have it reinstated within nine months of the date of suspension, if the reinstatement  
8 fee is paid. Any license or certificate of authority suspended and not reinstated within nine  
9 months of the suspension date shall expire and be void and the holder of such expired license or  
10 certificate shall have no rights or privileges thereunder, but any person or corporation whose  
11 license or certificate has expired may, within the discretion of the board and upon payment of  
12 the required fee, be reregistered or relicensed under such person's or corporation's original license  
13 number.

14           2. Each application for the renewal of a license or of a certificate of authority shall be  
15 on a form furnished to the applicant and shall be accompanied by the required fee; but no  
16 renewal fee need be paid by any professional land surveyor over the age of seventy-five.

17           3. Beginning January 1, 1996, as a condition for renewal of a license issued pursuant to  
18 section 327.314, a license holder shall be required to successfully complete twenty units of  
19 professional development that meet the standards established by the board regulations within the  
20 preceding two calendar years. Any license holder who completes more than twenty units of  
21 professional development within the preceding two calendar years may have the excess, not to  
22 exceed ten units, applied to the requirement for the next two-year period.

23           4. The board shall not renew the license of any license holder who has failed to complete  
24 the professional development requirements pursuant to subsection 3 of this section, unless such  
25 license holder can show good cause why he or she was unable to comply with such requirements.  
26 If the board determines that good cause was shown, the board shall permit the license holder to  
27 make up all outstanding required units of professional development.

28 5. A license holder may at any time prior to the termination of his or her license request  
29 to be classified as inactive. Inactive licenses may be maintained by payment of an annual fee  
30 determined by the board. Holders of inactive licenses shall not be required to complete  
31 professional development as required in subsection 3 of this section. Holders of inactive licenses  
32 shall not practice as professional land surveyors **within this state, but may continue to use the**  
33 **title "professional land surveyor" or the initials "PLS" after such person's name.** If the  
34 board determines that good cause was shown, the board shall permit the professional land  
35 surveyor to make up all outstanding required units of professional development.

36 6. A holder of an inactive license may return such license to an active license to practice  
37 professional land surveying by paying the required fee, and either:

38 (1) Completing one-half of the two-year requirement for professional development  
39 multiplied by the number of years of lapsed or inactive status. The maximum requirement for  
40 professional development units shall be two and one-half times the two-year requirement. The  
41 minimum requirement for professional development units shall be no less than the two-year  
42 requirement. Such requirement shall be satisfied within the two years prior to the date of  
43 reinstatement; or

44 (2) Taking such examination as the board deems necessary to determine such person's  
45 qualifications. Such examination shall cover areas designed to demonstrate the applicant's  
46 proficiency in current methods of land surveying practice.

47 7. Exemption to the required professional development units shall be granted to  
48 registrants during periods of serving honorably on full-time active duty in the military service.

49 8. At the time of application for license renewal, each licensee shall report, on a form  
50 provided by the board, the professional development activities undertaken during the preceding  
51 renewal period to satisfy the requirements pursuant to subsection 3 of this section. The licensee  
52 shall maintain a file in which records of activities are kept, including dates, subjects, duration  
53 of program, and any other appropriate documentation, for a period of four years after the program  
54 date.

327.411. 1. Each architect and each professional engineer and each professional land  
2 surveyor and each landscape architect shall have a personal seal in a form prescribed by the  
3 board, and he or she shall affix the seal to all final documents including, but not limited to, plans,  
4 specifications, estimates, plats, reports, surveys, proposals and other documents or instruments  
5 prepared by the licensee, or under such licensee's immediate personal supervision. **Such licensee**  
6 **shall either prepare or personally supervise the preparation of all documents sealed by the**  
7 **licensee,** and such licensee shall be held personally responsible for the contents of all such  
8 documents sealed by such licensee, **whether prepared or drafted by another licensee or not.**

9           2. The personal seal of an architect or professional engineer or professional land surveyor  
10 or landscape architect shall be the legal equivalent of the licensee's signature whenever and  
11 wherever used, and the owner of the seal shall be responsible for the architectural, engineering,  
12 surveying, or landscape architectural documents, as the case may be, when the licensee places  
13 his or her personal seal on such plans, specifications, estimates, plats, reports, surveys or other  
14 documents or instruments for, or to be used in connection with, any architectural or engineering  
15 project, survey, or landscape architectural project. **Licensees shall undertake to perform**  
16 **architectural, professional engineering, professional land surveying and landscape**  
17 **architectural services only when they are qualified by education, training, and experience**  
18 **in the specific technical areas involved.**

19           3. **Notwithstanding any provision of this section**, any architect, professional engineer,  
20 professional land surveyor, or landscape architect may, but is not required to, attach a statement  
21 over his or her signature, authenticated by his or her personal seal, specifying the particular plans,  
22 specifications, plats, reports, surveys or other documents or instruments, or portions thereof,  
23 intended to be authenticated by the seal, and disclaiming any responsibility for all other plans,  
24 specifications, estimates, reports, or other documents or instruments relating to or intended to  
25 be used for any part or parts of the architectural or engineering project or survey or landscape  
26 architectural project.

27           4. Nothing in this section, or any rule or regulation of the board shall require any  
28 professional to seal preliminary or incomplete documents.

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**  
2 **liability company**, association, **professional corporation**, or corporation, foreign or domestic,  
3 to act as a real estate broker, **real estate broker-salesperson**, or real estate salesperson, or to  
4 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**,  
2 **professional corporation**, or association shall be granted a **broker's, broker-salesperson's,**  
3 **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 officer of**  
13 **such partnership, limited partnership, limited liability company, association, professional**  
14 **corporation, or corporation who acts as a broker-salesperson, and individual salesperson**  
15 **licenses have been issued to all general partners, associates, managers, members, or officers**  
16 **of such partnership, limited partnership, limited liability company, association,**  
17 **professional corporation, or corporation who act as a 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, limited liability companies, and**  
3 **professional corporations** whose officers, **managers,** associates, [or] **general partners, or**  
4 **members who actively participate in such entity's brokerage, broker-salesperson, or**  
5 **salesperson 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 associate 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.

339.503. As used in sections 339.500 to 339.549, the following words and phrases mean,  
2 unless the context clearly indicates otherwise:

3 (1) "Appraisal" or "real estate appraisal", an objective analysis, evaluation, opinion, or  
4 conclusion relating to the nature, quality, value or utility of specified interests in, or aspects of,  
5 identified real estate. An appraisal may be classified by subject matter into either a valuation or  
6 an analysis;

7 (2) "Appraisal assignment", an engagement for which a person is employed or retained  
8 to act as a disinterested third party in rendering an objective appraisal;

9 (3) "Appraisal foundation", the organization of the same name that was incorporated as  
10 an Illinois not-for-profit corporation on November 20, 1987, whose operative boards are the  
11 appraisal standards board and the appraiser qualifications board;

12 (4) "Appraisal report", any communication, written or oral, of an appraisal. The purpose  
13 of an appraisal is immaterial, therefore valuation reports, real estate counseling reports, real  
14 estate tax counseling reports, real estate offering memoranda, mortgage banking offers, highest  
15 and best use studies, market demand and economic feasibility studies and all other reports  
16 communicating an appraisal analysis, opinion or conclusion are appraisal reports, regardless of  
17 title;

18 (5) "Appraisal standards board (ASB)", the independent board of the appraisal  
19 foundation which promulgates the generally accepted standards of the appraisal profession and  
20 the uniform standards of professional appraisal practices;

21 (6) "Appraiser qualifications board (AQB)", the independent board of the appraisal  
22 foundation which establishes minimum experience, education and examination criteria for state  
23 licensing of appraisers;

24 (7) "Boat dock", a structure for loading and unloading boats and connecting real property  
25 to water, public or private. A boat dock is real property and has riparian rights, provided:

26 (a) The lender includes the boat dock as a fixture both in the lender's deed of trust and  
27 a uniform commercial code fixture filing under section 400.9-502, RSMo;

28 (b) The boat dock is attached to the real property by steel cable, bar, or chain that is  
29 permanently imbedded in concrete or rock, and otherwise securely attached to the dock; and

30 (c) The owner of the dock has riparian rights by means of real estate rights bordering the  
31 body of water, including such rights by license, grant, or other means allowing access to the body  
32 of water, which access may be seasonal because the water may be reduced for electric power  
33 production or flood control;

34 (8) **"Boat slip" or "watercraft slip", a defined area of water, including the riparian  
35 rights to use such area, whether by grant, lease, or license, in accordance with all  
36 applicable laws and regulations, which is a part of a boat dock serving a common interest  
37 community, including by way of example and not of limitation condominiums and villas;  
38 and the exclusive right to such use being allocated as a limited common element or being  
39 assigned to an owner of real estate in the common interest community in which the boat  
40 dock is located, whether by grant, lease, or otherwise. The rights of the real estate owner  
41 in such slip are included as collateral in any deed of trust and uniform commercial code  
42 filings of a lender, if any, taking a security interest in the owner's real estate;**

43 (9) "Broker price opinion", an opinion of value, prepared by a real estate licensee for a  
44 fee, that includes, but is not limited to, analysis of competing properties, comparable sold  
45 properties, recommended repairs and costs or suggested marketing techniques. A broker price  
46 opinion is not an appraisal and shall specifically state it is not an appraisal;

47 [(9)] (10) "Certificate", the document issued by the Missouri real estate appraisers  
48 commission evidencing that the person named therein has satisfied the requirements for  
49 certification as a state-certified real estate appraiser and bearing a certificate number assigned  
50 by the commission;

51 [(10)] (11) "Certificate holder", a person certified by the commission pursuant to the  
52 provisions of sections 339.500 to 339.549;

53 [(11)] (12) "Certified appraisal report", an appraisal prepared or signed by a  
54 state-certified real estate appraiser. A certified appraisal report represents to the public that it  
55 meets the appraisal standards defined in sections 339.500 to 339.549;

56 [(12)] (13) "Commission", the Missouri real estate appraisers commission, created in  
57 section 339.507;

58 [(13)] (14) "Comparative market analysis", the analysis of sales of similar recently sold  
59 properties in order to derive an indication of the probable sales price of a particular property  
60 undertaken by a licensed real estate broker or agent, for his or her principal. A comparative  
61 market analysis is not an appraisal and shall specifically state it is not an appraisal;

62 [(14)] (15) "Disinterested third party" shall not exclude any state-certified real estate  
63 appraiser or state-licensed real estate appraiser employed or retained by any bank, savings  
64 association, credit union, mortgage banker or other lender to perform appraisal assignments,  
65 provided that the appraisal assignments are rendered with respect to loans to be extended by the  
66 bank, savings association, credit union, mortgage banker or other lender, and provided further  
67 that the state-certified real estate appraiser or state-licensed real estate appraiser is not requested  
68 or required to report a predetermined analysis or opinion of value;

69 [(15)] (16) "License" or "licensure", a license or licensure issued pursuant to the  
70 provisions of sections 339.500 to 339.549 evidencing that the person named therein has satisfied  
71 the requirements for licensure as a state-licensed real estate appraiser and bearing a license  
72 number assigned by the commission;

73 [(16)] (17) "Real estate", an identified parcel or tract of land, including improvements,  
74 if any;

75 [(17)] (18) "Real estate appraiser" or "appraiser", a person who for a fee or valuable  
76 consideration develops and communicates real estate appraisals or otherwise gives an opinion  
77 of the value of real estate or any interest therein;

78 [(18)] (19) "Real estate appraising", the practice of developing and communicating real  
79 estate appraisals;

80 [(19)] (20) "Real property", the interests, benefits and rights inherent in the ownership  
81 of real estate;

82 [(20)] (21) "Residential real estate", any parcel of real estate, improved or unimproved,  
83 that is primarily residential in nature and that includes or is intended to include a residential  
84 structure containing not more than four dwelling units and no other improvements except those  
85 which are typical residential improvements that support the residential use for the location and  
86 property type. A residential unit is a condominium, town house or cooperative complex, or a  
87 planned unit development is considered to be residential real estate. Subdivisions are not  
88 considered residential real estate. Individual parcels of property located within a residential  
89 subdivision shall be considered residential property;

90 [(21)] (22) "Specialized appraisal services", appraisal services which do not fall within  
91 the definition of appraisal assignment. The term "specialized services" may include valuation

92 work and analysis work. Regardless of the intention of the client or employer, if the appraiser  
93 is acting as a disinterested third party in rendering an unbiased analysis, opinion or conclusion,  
94 the work is classified as an appraisal assignment and not specialized services;

95 [(22)] (23) "State-certified general real estate appraiser", a person who holds a current,  
96 valid certificate as a state-certified general real estate appraiser issued pursuant to the provisions  
97 of sections 339.500 to 339.549;

98 [(23)] (24) "State-certified residential real estate appraiser", a person who holds a  
99 current, valid certificate as a state-certified residential real estate appraiser issued pursuant to the  
100 provisions of sections 339.500 to 339.549;

101 [(24)] (25) "State-licensed real estate appraiser", a person who holds a current, valid  
102 license as a state-licensed real estate appraiser pursuant to the provisions of sections 339.500 to  
103 339.549;

104 [(25)] (26) "Subdivision", a tract of land that has been divided into blocks or plots with  
105 streets, roadways, open areas and other facilities appropriate to its development as residential,  
106 commercial or industrial sites;

107 [(26)] (27) "Temporary appraiser licensure or certification", the issuance of a temporary  
108 license or certificate by the commission to a person licensed or certified in another state who  
109 enters this state for the purpose of completing a particular appraisal assignment.

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.**

**339.1100. Sections 339.1100 to 339.1240 shall be known and may be cited as the  
2 "Missouri Appraisal Management Company Registration and Regulation Act".**

**339.1105. As used in sections 339.1100 to 339.1240, unless the context otherwise  
2 requires, the following terms shall mean:**

**3 (1) "Appraisal" or "real estate appraisal", an objective analysis, evaluation,  
4 opinion, or conclusion relating to the nature, quality, value or utility of specified interests  
5 in, or aspects of, identified real estate. An appraisal may be classified by subject matter  
6 into either a valuation or an analysis;**

**7 (2) "Appraisal firm", a person, limited liability company, partnership, association,  
8 or corporation whose principal is an appraiser licensed under sections 339.500 to 339.549  
9 which for compensation prepares and communicates appraisals, reviews appraisals  
10 prepared by others, provides appraisal consultation services, and supervises, trains, and  
11 reviews work produced or certified by persons licensed under sections 339.500 to 339.549  
12 who produces appraisals;**

**13 (3) "Appraisal management company", an individual or business entity that utilizes  
14 an appraisal panel and performs, directly or indirectly, appraisal management services;**

**15 (4) "Appraisal management services", to directly or indirectly perform any of the  
16 following functions on behalf of a lender, financial institution, client, or any other person:**

**17 (a) Administer an appraiser panel;**

**18 (b) Recruit, qualify, verify licensing or certification, and negotiate fees and service  
19 level expectations with persons who are part of an appraiser panel;**

**20 (c) Receive an order for an appraisal from one person and deliver the order for the  
21 appraisal to an appraiser that is part of an appraiser panel for completion;**

**22 (d) Track and determine the status of orders for appraisals;**

**23 (e) Conduct quality control of a completed appraisal prior to the delivery of the  
24 appraisal to the person that ordered the appraisal; and**

**25 (f) Provide a completed appraisal performed by an appraiser to one or more  
26 persons who have ordered an appraisal;**

**27 (5) "Appraisal review", the act or process of developing and communicating an  
28 opinion about the quality of another appraiser's work that was performed as part of an**

29 appraisal assignment, except that an examination of an appraisal for grammatical,  
30 typographical, or other similar errors shall not be an appraisal review;

31 (6) "Appraiser", an individual who holds a license as a state licensed real estate  
32 appraiser or certification as a state certified real estate appraiser under this chapter;

33 (7) "Appraiser panel", a network of licensed or certified appraisers that have:

34 (a) Responded to an invitation, request, or solicitation from an appraisal  
35 management company, in any form, to perform appraisals for persons that have ordered  
36 appraisals through the appraisal management company or to perform appraisals for the  
37 appraisal management company directly; and

38 (b) Been selected and approved by an appraisal management company to perform  
39 appraisals for any client of the appraisal management company that has ordered an  
40 appraisal through the appraisal management company or to perform appraisals for the  
41 appraisal management company directly;

42 (8) "Commission", the Missouri real estate appraisers commission created in  
43 section 339.507;

44 (9) "Controlling person":

45 (a) An owner, officer or director of a corporation, partnership, or other business  
46 entity seeking to offer appraisal management services in this state;

47 (b) An individual employed, appointed, or authorized by an appraisal management  
48 company that has the authority to enter into a contractual relationship with other persons  
49 for the performance of appraisal management services and has the authority to enter into  
50 agreements with appraisers for the performance of appraisals; or

51 (c) An individual who possesses, directly or indirectly, the power to direct or cause  
52 the direction of the management or policies of an appraisal management company;

53 (10) "State certified real estate appraiser", a person who develops and  
54 communicates real estate appraisals and who holds a current valid certificate issued to the  
55 person for either general or residential real estate under this chapter;

56 (11) "State licensed real estate appraiser", a person who holds a current valid real  
57 estate appraiser license issued under this chapter.

339.1110. 1. No person shall directly or indirectly engage or attempt to engage in  
2 business as an appraisal management company, to directly or indirectly engage or attempt  
3 to perform appraisal management services, or to advertise or hold itself out as engaging  
4 in or conducting business as an appraisal management company without first obtaining  
5 a registration issued by the commission under sections 339.1100 to 339.1240.

6 2. The registration required by subsection 1 of this section shall, at a minimum,  
7 include the following:

- 8 (1) Name of the entity seeking registration;
- 9 (2) Business address of the entity seeking registration, which shall be located and  
10 maintained within this state;
- 11 (3) Phone contact information of the entity seeking registration;
- 12 (4) If the entity is not a corporation that is domiciled in this state, the name and  
13 contact information for the company's agent for service of process in this state;
- 14 (5) The name, address, and contact information for any individual or any  
15 corporation, partnership, or other business entity that owns ten percent or more of the  
16 appraisal management company;
- 17 (6) The name, address, and contact information for a designated controlling person  
18 to be the primary communication source for the commission;
- 19 (7) A certification that the entity has a system and process in place to verify that a  
20 person being added to the appraiser panel of the appraisal management company for  
21 appraisal services to be performed in Missouri holds a license in good standing in Missouri,  
22 if a license or certification is required to perform appraisals under section 339.1180;
- 23 (8) A certification that the entity has a system in place to review the work of all  
24 appraisers who are performing real estate appraisal services for the appraisal management  
25 company on a periodic basis to validate that the real estate appraisal services are being  
26 conducted in accordance with Uniform Standards of Professional Appraisal Practice  
27 (USPAP) under section 339.1185;
- 28 (9) A certification that the entity maintains a detailed record of each service request  
29 that it receives for appraisal services within the state of Missouri and the appraiser who  
30 performs the real estate appraisal services for the appraisal management company under  
31 section 339.1190;
- 32 (10) An irrevocable Uniform Consent to Service of Process under section 339.1130;  
33 and
- 34 (11) Any other reasonable information required by the commission to complete the  
35 registration process.

339.1115. Sections 339.1100 to 339.1240 shall not apply to:

- 2 (1) The performance of services as an appraisal firm;
- 3 (2) A national or state bank, federal or state savings institution, or credit union that  
4 is subject to direct regulation or supervision by an agency of the United States government,  
5 or by the department of insurance, financial institutions or professional registration, that  
6 receives a request for the performance of an appraisal from one employee of the financial  
7 institution, and another employee of the same financial institution assigns the request for  
8 the appraisal to an appraiser who is an independent contractor to the institution. An entity

9 exempt as provided in this subdivision shall file a notice with the commission containing  
10 the information required in section 339.1110;

11 (3) An appraiser that enters into an agreement, whether written or otherwise, with  
12 an appraiser for the performance of an appraisal, and upon the completion of the  
13 appraisal, the report of the appraiser performing the appraisal is signed by both the  
14 appraiser who completed the appraisal and the appraiser who requested the completion  
15 of the appraisal;

16 (4) A state agency or local municipality that orders appraisals for ad valorem tax  
17 purposes or any other business on behalf of the state of Missouri;

18 (5) Any person licensed to practice law in this state, a court-appointed personal  
19 representative, or a trustee who orders an appraisal in connection with a bona fide client  
20 relationship when such person directly contracts with an independent appraiser.

339.1120. An applicant for a registration as an appraisal management company  
2 shall submit to the commission an application containing the information required in  
3 subsection 2 of section 339.1110 on a form prescribed by the commission.

339.1125. Registration shall be valid for two years from its issuance.

339.1130. Each entity applying for a registration as an appraisal management  
2 company in Missouri shall complete an irrevocable Uniform Consent to Service of Process,  
3 as prescribed by the commission.

339.1135. 1. The commission shall establish by rule the fee to be paid by each  
2 appraisal management company seeking registration under sections 339.1100 to 339.1240,  
3 such that the sum of the fees paid by all appraisal management companies seeking  
4 registration under this section shall be sufficient for the administration of sections 339.1100  
5 to 339.1240. The commission shall charge and collect fees to be utilized to fund activities  
6 that may be necessary to carry out the provisions of this chapter.

7 2. Each applicant for registration shall post with the commission and maintain on  
8 renewal a surety bond in the amount of twenty thousand dollars. The details of the bond  
9 shall be prescribed by rule of the commission, however, the bond shall not be used to assist  
10 appraisers in collection efforts of credit extended by the appraiser.

11 3. Any rule or portion of a rule, as that term is defined in section 536.010, that is  
12 created under the authority delegated in sections 339.1100 to 339.1240 shall become  
13 effective only if it complies with and is subject to all of the provisions of chapter 536 and,  
14 if applicable, section 536.028. Sections 339.1100 to 339.1240 and chapter 536 are  
15 nonseverable and if any of the powers vested with the general assembly pursuant to  
16 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are

17 subsequently held unconstitutional, then the grant of rulemaking authority and any rule  
18 proposed or adopted after August 28, 2010, shall be invalid and void.

2 **339.1140. 1. An appraisal management company applying for a registration in  
Missouri shall not be more than ten percent owned by:**

3 (1) A person who has had a license or certificate to act as an appraiser refused,  
4 denied, canceled, revoked, or surrendered in lieu of a pending revocation in any state;

5 (2) An entity that is more than ten percent owned by any person who has had a  
6 license or certificate to act as an appraiser refused, denied, canceled, revoked, or  
7 surrendered in lieu of a pending revocation in any state.

8 **2. Each person who owns more than ten percent of an appraisal management  
9 company in this state shall:**

10 (1) Be of good moral character, as determined by the commission; and

11 (2) Submit to a background investigation, as determined by the commission.

12 **3. Each appraisal management company applying for registration shall certify to  
13 the commission that it has reviewed each entity that owns more than ten percent of the  
14 appraisal management company and that no entity that owns more than ten percent of the  
15 appraisal management company is more than ten percent owned by any person who has  
16 had a license or certificate to act as an appraiser refused, denied, cancelled, revoked, or  
17 surrendered in lieu of a pending revocation.**

18 **4. Each appraisal management company shall notify the commission within thirty  
19 days of a change in its controlling principal, agent of record, or ownership composition.**

2 **339.1145. 1. Each appraisal management company applying to the commission for  
a registration in this state shall designate one compliance manager who will be the main  
3 contact for all communication between the commission and the appraisal management  
4 company.**

5 **2. The designated controlling person under subsection 1 of this section shall:**

6 (1) Have never had a license or certificate to act as an appraiser refused, denied,  
7 canceled, revoked, or surrendered in lieu of a pending revocation in any state;

8 (2) Be of good moral character, as determined by the commission; and

9 (3) Submit to a background investigation, as determined by the commission.

2 **339.1150. 1. An appraisal management company that applies to the commission  
for registration to do business in this state as an appraisal management company under  
3 subdivision (1) of section 339.1115 shall not:**

4 (1) Employ any person directly involved in appraisal management services who has  
5 had a license or certificate to act as an appraiser in Missouri or in any other state refused,  
6 denied, cancelled, revoked, or surrendered in lieu of a pending revocation;

7           (2) **Knowingly enter into any independent contractor arrangement, whether in**  
8 **verbal, written, or other form, with any person who has had a license or certificate to act**  
9 **as an appraiser in Missouri or in any other state refused, denied, cancelled, revoked, or**  
10 **surrendered in lieu of a pending revocation;**

11           (3) **Knowingly enter into any contract, agreement, or other business relationship**  
12 **directly involved with the performance of real estate appraisal or appraisal management**  
13 **services, whether in verbal, written, or any other form, with any entity that employs, has**  
14 **entered into an independent contract arrangement, or has entered into any contract,**  
15 **agreement, or other business relationship, whether in verbal, written, or any other form,**  
16 **with any person who has ever had a license or certificate to act as an appraiser in Missouri**  
17 **or in any other state, refused, denied, cancelled, revoked, or surrendered in lieu of a**  
18 **pending revocation.**

**339.1155. Prior to placing an assignment for real estate appraisal services within**  
2 **the state of Missouri with an appraiser on the appraiser panel of an appraisal management**  
3 **company, the appraisal management company shall have a system in place to verify that**  
4 **the appraiser receiving the assignment holds a credential in good standing in the state of**  
5 **Missouri. Letters of engagement shall include instructions to the appraiser to decline the**  
6 **assignment in the event the appraiser is not geographically competent or the assignment**  
7 **falls outside the appraiser's scope of practice restrictions.**

**339.1160. Any employee or independent contractor of the appraisal management**  
2 **company who performs an appraisal review shall be an individual who holds a license as**  
3 **a state licensed real estate appraiser or certification as a state certified real estate appraiser**  
4 **under this chapter. Letters of engagement shall include instructions to the appraiser to**  
5 **decline the appraisal review assignment in the event the appraiser is not geographically**  
6 **competent or the assignment falls outside the appraiser's scope of practice restrictions.**

**339.1170. Each appraisal management company seeking to be registered shall**  
2 **certify to the commission on a biannual basis on a form prescribed by the commission that**  
3 **the appraisal management company has a system and process in place to verify that an**  
4 **individual being added to the appraiser panel of the appraisal management company holds**  
5 **a license in good standing in this state under this chapter.**

**339.1175. Each appraisal management company seeking to be registered shall**  
2 **certify to the commission on a biannual basis on a form prescribed by the commission that**  
3 **the appraisal management company has a system in place to verify that an individual to**  
4 **whom the appraisal management company is making an assignment for the completion of**  
5 **an appraisal has not had a license or certification as an appraiser refused, denied,**  
6 **cancelled, revoked, or surrendered in lieu of a pending revocation on a regular basis.**



2       **339.1180.** Each registered appraisal management company shall certify to the  
3 commission on a biannual basis that it has a system in place to perform an appraisal review  
4 on a periodic basis of the work of all appraisers who are performing appraisals for the  
5 appraisal management company to validate that the appraisals are being conducted in  
6 accordance with Uniform Standards of Professional Appraisal Practice (USPAP). An  
7 appraisal management company shall report to the commission the results of any appraisal  
8 reviews in which an appraisal is found to be substantially noncompliant with USPAP or  
state or federal laws pertaining to appraisals.

2       **339.1185. 1.** Each appraisal management company seeking to be registered shall  
3 certify to the commission biannually that it maintains a detailed record of each service  
4 request for appraisal services within the state of Missouri and that it receives of each  
5 appraiser who performs an appraisal for the appraisal management company in the state  
of Missouri.

6       **2.** All appraisal management company records shall be retained for five years.

2       **339.1190. 1.** An appraisal management company shall not prohibit its appraiser  
3 who is part of an appraiser panel from recording the fee that the appraiser was paid by the  
4 appraisal management company for the performance of the appraisal within the appraisal  
5 report that is submitted by the appraiser to the appraisal management company.

6       **2.** An appraisal management company shall separately state to the client the fees  
7 paid to an appraiser for appraisal services and the fees charged by the appraisal  
8 management company for services associated with the management of the appraisal  
process, including procurement of the appraiser's services.

2       **339.1200. 1.** No employee, director, officer, or agent of an appraisal management  
3 company shall influence or attempt to influence the development, reporting, or review of  
4 an appraisal through coercion, extortion, collusion, compensation, instruction, inducement,  
5 intimidation, bribery or in any other manner, including but not limited to:

6       **(1)** Withholding or threatening to withhold timely payment for an appraisal, except  
7 in cases of substandard performance or noncompliance with conditions of engagement;

8       **(2)** Withholding or threatening to withhold future business, or demoting,  
9 terminating, or threatening to demote or terminate an appraiser;

10       **(3)** Expressly or impliedly promising future business, promotions, or increased  
11 compensation for an appraiser;

12       **(4)** Conditioning the request for an appraisal or the payment of an appraisal fee or  
13 salary or bonus on the opinion, conclusion, or valuation to be reached, or on a preliminary  
estimate or opinion requested from an appraiser;

14           **(5) Requesting that an appraiser provide an estimated, predetermined, or desired**  
15 **valuation in an appraisal report, or provide estimated values or comparable sales at any**  
16 **time prior to the appraiser's completion of an appraisal;**

17           **(6) Providing to an appraiser an anticipated, estimated, encouraged, or desired**  
18 **value for a subject property or a proposed or target amount to be loaned to the borrower,**  
19 **except that a copy of the sales contract for purchase transactions may be provided;**

20           **(7) Providing to an appraiser, or any entity or person related to the appraiser, stock**  
21 **or other financial or nonfinancial benefits;**

22           **(8) Allowing the removal of an appraiser from an appraiser panel without prior**  
23 **written notice to such appraiser;**

24           **(9) Any other act or practice that knowingly impairs or attempts to impair an**  
25 **appraiser's independence, objectivity, or impartiality;**

26           **(10) Requiring an appraiser to collect an appraisal fee on behalf of the appraisal**  
27 **management company from the borrower, homeowner, or other third party; or**

28           **(11) Requiring an appraiser to indemnify an appraisal management company or**  
29 **hold an appraisal management company harmless for any liability, damage, losses, or**  
30 **claims arising out of the services performed by the appraisal management company, and**  
31 **not the services performed by the appraiser.**

32           **2. Nothing in subsection 1 of this section shall prohibit the appraisal management**  
33 **company from requesting that an appraiser:**

34           **(1) Provide additional information about the basis for a valuation; or**

35           **(2) Correct objective factual errors in an appraisal report; or**

36           **(3) Provide additional information with the appraisal regarding additional sales**  
37 **provided through an established dispute process.**

**339.1205. An appraisal management company shall not:**

2           **(1) Require an appraiser to modify any aspect of an appraisal report unless the**  
3 **modification complies with section 339.1200;**

4           **(2) Require an appraiser to prepare an appraisal report if the appraiser, in the**  
5 **appraiser's own professional judgment, believes the appraiser does not have the necessary**  
6 **expertise for the assignment or for the specific geographic area, and has notified the**  
7 **appraisal management company and declined the assignment;**

8           **(3) Require an appraiser to prepare an appraisal under a time frame that the**  
9 **appraiser, in the appraiser's own professional judgment, believes does not afford the**  
10 **appraiser the ability to meet all the relevant legal and professional obligations, and has**  
11 **notified the appraisal management company and declined the assignment;**

12 (4) Prohibit or inhibit legal or other allowable communication between the  
13 appraiser and:

14 (a) The lender;

15 (b) A real estate licensee; or

16 (c) Any other person from whom the appraiser, in the appraiser's own professional  
17 judgment, believes information would be relevant;

18 (5) Knowingly require the appraiser to do anything that does not comply with:

19 (a) Uniformed Standards of Professional Appraisal Practice (USPAP);

20 (b) The Missouri certified and licensed real estate appraisers act established under  
21 this chapter; or

22 (c) Any assignment conditions and certifications required by the client;

23 (6) Make any portion of the appraiser's fee or the appraisal management  
24 company's fee contingent on a predetermined or favorable outcome, including but not  
25 limited to:

26 (a) A loan closing; or

27 (b) Specific dollar amount being achieved by the appraiser in the appraisal report.

339.1210. Each appraisal management company shall, except in cases of breach of  
2 contract or substandard performance of services, make payment to an appraiser for the  
3 completion of an appraisal or valuation assignment within thirty days, unless a mutually  
4 agreed upon alternate payment schedule exists, from when the appraiser transmits or  
5 otherwise provides the completed appraisal or valuation study to the appraisal  
6 management company or its assignee.

339.1215. 1. An appraisal management company shall not alter, modify, or  
2 otherwise change a completed appraisal report submitted by an appraiser by:

3 (1) Permanently removing the appraiser's signature or seal; or

4 (2) Adding information to, or removing information from, the appraisal report with  
5 an intent to change the valuation conclusion.

6 2. No registered appraisal management company shall require an appraiser to  
7 provide the appraisal management company with the appraiser's digital signature or seal.

339.1220. 1. The commission shall issue a unique registration number to each  
2 appraisal management company.

3 2. The commission shall publish a list of the appraisal management companies that  
4 have registered under sections 339.1100 to 339.1240 and have been issued a registration  
5 number.

6           **3. An appraisal management company shall be required to disclose the registration**  
7 **number on each engagement letter utilized in assigning an appraisal request for real estate**  
8 **appraisal assignments within the state of Missouri.**

**339.1230. 1. Except within the first thirty days after an appraiser is first added to**  
2 **the appraiser panel of an appraisal management company, an appraisal management**  
3 **company shall not remove an appraiser from its appraiser panel or otherwise refuse to**  
4 **assign requests for real estate appraisal services to an appraiser without:**

5           **(1) Notifying the appraiser in writing of the reasons why the appraiser is being**  
6 **removed from the appraiser panel of the appraisal management company;**

7           **(2) If the appraiser is being removed from the panel for illegal conduct, violation**  
8 **of the Uniform Standards of Professional Appraisal Practice (USPAP), or a violation of**  
9 **state licensing standards, describing the nature of the alleged conduct or violation; and**

10           **(3) Providing an opportunity for the appraiser to respond to the notification of the**  
11 **appraisal management company.**

12           **2. An appraiser who is removed from the appraiser panel of an appraisal**  
13 **management company for alleged illegal conduct, violation of the Uniform Standards of**  
14 **Professional Appraisal Practice (USPAP), or violation of state licensing standards may file**  
15 **a complaint with the commission for a review of the decision of the appraisal management**  
16 **company; except that, in no case shall the commission make any determination regarding**  
17 **the nature of the business relationship between the appraiser and the appraisal**  
18 **management company which is unrelated to the actions specified in subsection 1 of this**  
19 **section.**

20           **3. If after notice and an opportunity for hearing and review, the commission**  
21 **determines that an appraiser did not commit a violation of law, a violation of the Uniform**  
22 **Standards of Professional Appraisal Practice (USPAP), or a violation of state licensing**  
23 **standards, the commission shall order that such appraiser be added to the appraiser panel**  
24 **of the appraisal management company.**

25           **4. If the commission has found that the appraisal management company acted**  
26 **improperly in removing the appraiser from the appraiser panel, an appraisal management**  
27 **company shall not refuse to make assignments for real estate appraisal services to an**  
28 **appraiser, or reduce the number of assignments, or otherwise penalize the appraiser.**

**339.1235. 1. The commission may censure an appraisal management company,**  
2 **conditionally or unconditionally suspend or revoke any registration issued under sections**  
3 **339.1100 to 339.1240, or impose civil penalties not to exceed one thousand dollars for each**  
4 **offense. Each day of a continued violation constitutes a separate offense, with a maximum**

5 penalty of ten thousand dollars. In determining the amount of penalty to be imposed, the  
6 commission may consider if an appraisal management company is:

- 7 (1) Knowingly committing any act in violation of sections 339.1100 to 339.1240;
- 8 (2) Violating any rule adopted by the commission; or
- 9 (3) Procuring a license by fraud, misrepresentation, or deceit.

339.1240. The conduct of adjudicatory proceedings for violations of this section is  
2 vested in the commission, provided:

3 (1) Before censuring any registrant, or suspending or revoking any registration, the  
4 commission shall notify the registrant in writing of any charges made at least twenty days  
5 before the hearing and shall afford the registrant an opportunity to be heard in person or  
6 by counsel; and

7 (2) Written notice shall be satisfied by personal service on the controlling person  
8 of the registrant, or the registrant's agent for service of process in this state, or by sending  
9 the notice by certified mail, return receipt requested to the controlling person of the  
10 registrant to the registrant's address on file with the commission.

429.016. 1. The provisions of this section shall only apply to mechanic's liens  
2 asserted against residential real property, other than mechanic's liens for the repair,  
3 remodeling, or addition to owner-occupied residential property of four units or less which  
4 are governed by section 429.013 and other applicable sections of this chapter.

5 2. As used in this section, the term "residential real property" means any parcel of  
6 real estate, improved or unimproved, that is intended to be used or is used for the  
7 construction of residential structures and related improvements which support the  
8 residential use of the land where such residential structures are intended, upon completion,  
9 either to be occupied or sold by the current owner. Such residential structures shall  
10 include any residential dwelling of four units or less, whether or not a unit is occupied by  
11 an owner and shall also include any structures consisting solely of residential  
12 condominiums, townhouses or cooperatives regardless of the number of units. The  
13 definition of "residential real estate" shall exclude any mixed use or planned unit  
14 developments except to the extent that any residential uses of such developments are, or  
15 will be, located on separate, identifiable parcels from the non-residential uses and then only  
16 as to those residential uses. Residential real property shall also include any streets,  
17 sidewalks, utility services, improved common areas, or other facilities which are  
18 constructed within the defined residential use structures or located on or within the  
19 separate and identifiable parcels identified as for residential use.

20 3. Any person or entity, hereinafter referred to as claimant, who seeks to retain the  
21 right to assert a mechanic's lien against residential real property, hereinafter referred to

22 as property, shall record a notice of rights in the office of the recorder of deeds for the  
23 county in which the property is located, not less than five calendar days prior to the  
24 intended date of closing stated in a notice of intended sale as contemplated in this section.

25 4. Notwithstanding subsection 3 of this section, a claimant that is accurately  
26 identified in any previously recorded notice of rights recorded as to the property is relieved  
27 of its duty to record a notice of rights.

28 5. If the last day to record the notice of rights falls on a Saturday, Sunday, or legal  
29 holiday recognized by the state of Missouri, the notice of rights shall be recorded not later  
30 than the next day that the office of the recorder of deeds is open for business.

31 6. Any claimant that fails to record such notice of rights shall be deemed to waive  
32 and forfeit any right to assert a mechanic's lien against such property. Despite any such  
33 waiver and forfeiture of mechanic's lien rights, the claimant shall retain all other rights  
34 and remedies allowed by law to collect payment for its work, labor, and materials.

35 7. Notwithstanding any other provision of this section, a notice of rights recorded  
36 after the owner's conveyance of the property to a bona fide purchaser for value shall not  
37 be effective to preserve the claimant's mechanic's lien rights to the property.

38 8. The notice of rights shall comply with section 59.310 and be on a form  
39 substantially as follows:

40

41 **NOTICE OF RIGHTS**

42

43 **Date:** The date of the document.

44 **Owner:** Identify Property owner, as "Grantor" by correct name.

45 **Claimant:** Identify Claimant, as "Grantee" by correct name, current address, contact  
46 persons, and current telephone number.

47 **Property:** The legal description of the property.

48 **Person Contracting with Claimant for Work:** Identify person or entity contracting with  
49 Claimant by correct name, current address, and current telephone number.

50

51 **Persons performing work for or supplying materials to Claimant:** Claimant may, but is  
52 not obligated to, identify any persons or entities which have or will be performing work or  
53 supplying materials on behalf of Claimant for the Property. Said persons or entities must  
54 be identified by correct legal name, address, and current telephone number.

55

56 A recorded notice correctly identifies a person or entity so long as the identifying  
57 information in the notice is neither deceptively similar to another person or entity

58 reasonably likely to provide labor, materials, supplies, or equipment for the improvement  
59 of property nor so deficient in information as to make it unreasonably difficult to identify  
60 such person or entity. The form shall be signed by a person authorized to execute the form  
61 on behalf of the claimant, and such signature shall be notarized. The name of the person  
62 signing the form shall be printed legibly or typed immediately below the signature.

63 **9. The notice of rights shall be recorded by the claimant in the office of the recorder  
64 of deeds of the county in which the property is located.**

65 **10. The recorder of deeds shall record such notice of rights in the land records and  
66 index notice of rights such that owners shall be deemed grantors and claimants shall be  
67 deemed grantees, and the grantor's signature shall not be required for recording.**

68 **11. (1) If the record title owner of residential real property, hereinafter the owner,  
69 has contracted with a claimant for the performance or provision of work, labor, or  
70 materials for the improvement of such property in order to facilitate the owner's sale of  
71 such property to a bona fide purchaser for value as contemplated in this section, then the  
72 owner or such owner's designated agent, shall record a notice of intended sale in the office  
73 of the recorder of deeds for the county in which the property is located. The notice of  
74 intended sale shall be recorded not less than forty-five calendar days prior to the earliest  
75 calendar date the owner intends to close on the sale of such property to such purchaser.  
76 The notice of intended sale shall state the calendar date on which the owner intends to close  
77 on the sale of such property to such purchaser. Only one notice of intended sale shall be  
78 recorded, even if the intended date of closing stated therein is postponed to a date later  
79 than that stated in the notice of intended sale. The owner's, or its designated agent's,  
80 recording of a notice of intended sale as to the subject property, as contemplated herein,  
81 is a condition precedent to a claimant's obligation to record a notice of rights as to the  
82 subject property in order to retain a claimant's mechanics lien rights as to such property.**

83 **(2) The owner, or its designated agent, shall post on the subject property, or at an  
84 entrance to the subject property, or at any jobsite office located at or near the subject  
85 property, a copy of the owner's notice of intended sale.**

86 **(3) The owner, or its designated agent, shall provide any claimant with a copy of  
87 the notice of intended sale and a copy of a legal description of the subject property, within  
88 five calendar days after the date the owner, or its designated agent, receives a written  
89 request for the same from any such claimant. The information contemplated herein shall  
90 be transmitted by U.S. mail addressed to the claimant's registered agent or principal place  
91 of business or transmitted by other commercially reasonable means. A claimant shall, in  
92 turn, provide any person or entity with which it has contracted to perform or provide  
93 work, labor, or materials for the improvement of the subject property, with written notice**

94 in the same form and manner, and containing the same information, as the written notice  
95 issued by the owner, all within ten calendar days after the date the claimant receives a  
96 written request for the same from any such person or entity.

97 (4) If any owner, or its designated agent, fails to comply with the requirements of  
98 this section, a claimant shall be entitled to receive, as its sole and exclusive remedy for such  
99 failure to comply with the section, the claimant's actual and reasonable costs, excluding  
100 attorney fees, to obtain a legal description of the subject property necessary for the  
101 claimant to record its notice of rights. The costs described in this section shall be lienable  
102 expenses. The owner's, or its designated agent's failure to post or mail or transmit the  
103 information contemplated in this section, shall not relieve, and is not a condition precedent  
104 to, a claimant's obligation to record its notice of right in order to retain claimant's  
105 mechanic lien rights as to such property.

106 (5) The owner, or its designated agent, shall not be liable to any claimant, or other  
107 person, for any error, omission, or inaccuracy in the content of the information provided  
108 and disclosed by the owner, or its designated agent, except as otherwise expressly provided  
109 in this section. If a claimant receives a copy of the notice of intended sale and a legal  
110 description of the subject property from the owner, or its designated agent as contemplated  
111 in this section and the claimant relies in good faith upon the legal description and includes  
112 such legal description in a notice of rights as required in this section, and the claimant's  
113 notice of rights otherwise complies with the requirements of this section, then any such  
114 claimant's notice of rights shall be deemed to comply with the requirements of this section,  
115 and such claimant's right to assert a mechanic's lien as to the subject residential real  
116 property shall be retained even if subsequently it is determined that such legal description  
117 is in error or inaccurate as to the subject residential real property.

118 12. The recording of a notice of rights shall not extend the time for filing a  
119 mechanic's lien as provided under section 429.080.

120 13. A separate notice of rights shall be recorded for each lot or parcel of residential  
121 real property upon which the claimant performs its work. Nothing herein shall be  
122 construed to prohibit the claimant from providing a notice of rights covering multiple lots  
123 in the same subdivision if common ownership of lots exists. If the claimant commences its  
124 work prior to the platting or subdivision of a tract of land comprising residential real  
125 property, the claimant is only required to record one notice of rights provided that the  
126 entire tract of land upon which any such lien is to be asserted is described in such notice  
127 of rights.

128 14. The claimant shall not be required to provide the notice required under section  
129 429.100, but compliance with the requirements of this section shall not relieve the claimant



130 of its duty to comply with all other applicable sections of this chapter, except as specifically  
131 modified herein, in order to preserve, assert, and enforce its mechanic's lien rights.

132           **15. For purposes of any mechanic's liens against residential real property only, a**  
133 **claimant satisfies the just and true account requirement contained in section 429.080 by**  
134 **providing the following information and documentation as part of its mechanic's lien claim**  
135 **filed with the clerk of the circuit court:**

136           **(1) A photocopy of the file-stamped notice of rights and any renewals of notice of**  
137 **rights recorded by or identifying claimant;**

138           **(2) The name and address of the person or entity which claimant contracted with**  
139 **to perform work on the property;**

140           **(3) A copy of any contract or contracts, purchase order or orders, or proposal or**  
141 **proposals, hereinafter collectively referred to as agreements, and any agreed change orders**  
142 **or modifications to such agreement or agreements under which claimant performed its**  
143 **work on the property;**

144           **(4) In the absence of any written agreement or agreements, a general description**  
145 **of the scope of work agreed to be performed by claimant on the property and the basis for**  
146 **payment for such work as agreed to by claimant and the contracting party;**

147           **(5) All invoices submitted by claimant for its work on the property;**

148           **(6) An accurate statement of account which shows all payments or credits against**  
149 **amounts otherwise due to claimant for the work performed on the property and the**  
150 **calculation or basis for the amount claimed by claimant in its mechanic's lien statement;**  
151 **and**

152           **(7) The last date that claimant performed any work or labor upon, or provided any**  
153 **materials or equipment to, the property;**

154           **(8) The claimant shall attach a file-stamped copy of his or her notice of rights to**  
155 **claimant's mechanic's lien statement if and when filed with the circuit clerk under section**  
156 **429.080.**

157           **16. To the extent that any error in the information contained in the claimant's**  
158 **notice of rights prejudices the owner, any lender, disbursing company, title insurance**  
159 **company, or subsequent purchaser of the property, the claimant's rights to assert a**  
160 **mechanic's lien shall be forfeited to the extent of the prejudice caused by such error.**

161           **17. A person having an interest in any residential real property against which a**  
162 **mechanic's lien has been filed may release such residential real property from any such**  
163 **mechanic's lien by:**

164           **(1) Depositing in the office of the circuit clerk a sum of money, in cash or certified**  
165 **check, an irrevocable letter of credit, which may be secured, issued by a federally or state**

166 chartered bank, savings and loan association or savings bank, referred to hereafter as a  
167 bank, authorized to and doing business in the state of Missouri, or a surety bond issued by  
168 a surety company authorized to do surety business in the state of Missouri and having a  
169 certificate of authority to do business with the United States government in accordance  
170 with 31 CFR Section 223.1, in an amount not less than one hundred fifty percent of the  
171 amount of the mechanic's lien being released; and

172 (2) Recording with the recorder of deeds and filing with the circuit clerk a  
173 certificate of deposit signed by the circuit clerk which provides the following information:

174 (a) Amount of money deposited, amount of the letter of credit deposited, or penal  
175 sum of the bond deposited, along with the name and address of the bank issuing the letter  
176 of credit or surety company issuing the bond, as well as a service address for the bank or  
177 surety company;

178 (b) Name of claimant, number assigned to the mechanic's lien being released, and  
179 the amount of the mechanic's lien being released;

180 (c) Legal description of the property against which the mechanic's lien was filed;

181 (d) Name, address, and property interest of the person making the deposit of  
182 money, providing the letter of credit or providing the surety bond; and

183 (e) A certification by the person making the deposit of money, providing the letter  
184 of credit, or providing the surety bond that they have mailed a copy of the certificate of  
185 deposit to the claimant at the address listed on the mechanic's lien being released, along  
186 with a copy of any letter of credit or bond deposited by said person.

187 18. Any surety bond deposited as substitute collateral shall obligate the surety  
188 company, to the extent of the penal sum of the bond, to pay any judgment entered under  
189 section 429.210.

190 19. Any letter of credit deposited as substitute collateral shall obligate the issuing  
191 bank, to the extent of the amount of the letter of credit, to pay any judgment entered under  
192 section 429.210.

193 20. Upon release of the residential real property from a mechanic's lien by the  
194 deposit of substitute collateral, the claimant's rights are transferred from the residential  
195 real property to the substitute collateral.

196 21. Upon determination of the amount of claimant's claim, if any, against the  
197 substitute collateral, the court shall either:

198 (1) Order the circuit clerk to pay the claimant any sums awarded out of the  
199 deposited funds and release any remainder to the person or entity who made the cash  
200 deposit;

201           **(2) Order the bank to issue payment under the letter of credit for the awarded**  
202 **amount but not exceeding the amount of the letter of credit;**

203           **(3) Render judgment against the surety company on the bond for the amount**  
204 **awarded up to but not exceeding the penal sum of the bond; or**

205           **(4) Release the substitute collateral**

206

207 **all as deemed appropriate by the court.**

208           **22. The deposit of substitute collateral and release of claimant's mechanic's lien**  
209 **shall not modify any aspect of the priority of claimant's interest, claimant's burden of**  
210 **proving compliance with the mechanic's lien statutes, or claimant's obligations with respect**  
211 **to enforcement of its mechanic's lien claim, including, but not limited to, time for filing suit**  
212 **to enforce and necessary parties to the suit to enforce. It is the intent only that the**  
213 **deposited substitute collateral shall be the ultimate source of any potential recovery by**  
214 **claimant instead of the funds generated by foreclosure of the residential real property.**

215           **23. A release of a mechanic's lien under the deposit of substitute collateral shall not**  
216 **relieve any claimant of potential liability for slander of title or otherwise due to the filing**  
217 **of claimant's mechanic's lien.**

218           **24. The surety company for any bond or the bank which issued the letter of credit**  
219 **deposited under this section shall be made a party to any mechanic's lien enforcement**  
220 **action with respect to any mechanic's lien released by the deposit of said bond or letter of**  
221 **credit.**

222           **25. Any claimant may waive its right to assert a mechanic's lien against residential**  
223 **real property by executing a partial or full waiver of mechanic's lien rights, whether**  
224 **conditioned upon receipt of payment or unconditional, provided that a waiver of**  
225 **mechanic's lien rights shall not be deemed or interpreted to waive or release mechanic's**  
226 **lien rights in exchange for a payment of less than the amount claimed due at that time**  
227 **unless such mechanic's lien waiver is an unconditional, final mechanic's lien waiver in**  
228 **compliance with this section.**

229           **26. An unconditional, final lien waiver is a complete and absolute waiver of any**  
230 **mechanic's lien rights against the residential real property described in the mechanic's lien**  
231 **waiver, including any rights which might otherwise arise from remedial or additional**  
232 **labor, services, or materials provided to the residential real property, or which might**  
233 **benefit the residential real property, under either an initial agreement or a supplemental**  
234 **agreement entered into by the same parties prior to the execution of the unconditional,**  
235 **final mechanic's lien waiver.**

236           **27. An unconditional, final mechanic's lien waiver shall only be valid if it is on a**  
237 **form that is substantially as follows:**

238           **UNCONDITIONAL FINAL LIEN WAIVER FOR RESIDENTIAL REAL**  
239 **PROPERTY**

240

241 **Claimant (provide legal name and address of Claimant) hereby fully, finally, and**  
242 **unconditionally waives and releases any right to assert or enforce a mechanic's lien claim**  
243 **against the residential real property identified below for all work performed by Claimant**  
244 **prior to the date set forth below and for any work hereafter performed by or on behalf of**  
245 **Claimant under any agreements executed by Claimant prior to said date set forth below:**

246

247 **(Provide legal description of the Property)**

248

249 **Claimant's legal name and the name, title or position, address, and telephone number of**  
250 **the person executing the unconditional final lien waiver on behalf of claimant shall be**  
251 **typed or legibly printed immediately above or below the signature, and the date that the**  
252 **document was signed shall be typed or legibly printed immediately adjacent to the**  
253 **signature.**

254           **28. A claimant executing an unconditional, final mechanic's lien waiver for less**  
255 **than full consideration shall be bound by such mechanic's lien waiver as it relates to any**  
256 **rights to assert a mechanic's lien against the property, but such mechanic's lien waiver**  
257 **shall not constitute a waiver or release of any other claim, remedy, or cause of action.**

258           **29. An unconditional, final mechanic's lien waiver meeting the requirements of this**  
259 **section is valid and enforceable as to claimant's mechanic's lien rights as to the property**  
260 **identified on the unconditional, final mechanic's lien waiver notwithstanding claimant's**  
261 **failure to receive any promised payment or other consideration.**

262           **30. Any claimant who has recorded a notice of rights and who has been paid in full**  
263 **for the work performed on the property shall timely execute an unconditional, final**  
264 **mechanic's lien waiver, shall not unreasonably withhold such a waiver when circumstances**  
265 **require prompt execution, and in no event shall fail to provide a waiver any later than five**  
266 **calendar days after claimant's receipt of a written request to do so by any person or entity.**  
267 **A claimant who fails or refuses timely to execute an unconditional, final lien waiver when**  
268 **such claimant has been paid in full for any labor, materials, services, or equipment**  
269 **supplied or used in the improvement to the property shall be presumed liable for slander**  
270 **of title and for any damages sustained as a result thereof, together with a statutory penalty**  
271 **of five hundred dollars.**

272           **31. The provisions of this section shall apply to any residential real property**  
273 **conveyance closing on or after November 1, 2010.**

**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.**

          452.340. 1. In a proceeding for dissolution of marriage, legal separation or child support,  
2 the court may order either or both parents owing a duty of support to a child of the marriage to  
3 pay an amount reasonable or necessary for the support of the child, including an award  
4 retroactive to the date of filing the petition, without regard to marital misconduct, after  
5 considering all relevant factors including:

6           (1) The financial needs and resources of the child;

7           (2) The financial resources and needs of the parents;

8           (3) The standard of living the child would have enjoyed had the marriage not been  
9 dissolved;

10          (4) The physical and emotional condition of the child, and the child's educational needs;

11          (5) The child's physical and legal custody arrangements, including the amount of time  
12 the child spends with each parent and the reasonable expenses associated with the custody or  
13 visitation arrangements; and

14          (6) The reasonable work-related child care expenses of each parent.

15          2. The obligation of the parent ordered to make support payments shall abate, in whole  
16 or in part, for such periods of time in excess of thirty consecutive days that the other parent has  
17 voluntarily relinquished physical custody of a child to the parent ordered to pay child support,  
18 notwithstanding any periods of visitation or temporary physical and legal or physical or legal  
19 custody pursuant to a judgment of dissolution or legal separation or any modification thereof.  
20 In a IV-D case, the family support division may determine the amount of the abatement pursuant  
21 to this subsection for any child support order and shall record the amount of abatement in the  
22 automated child support system record established pursuant to chapter 454, RSMo. If the case  
23 is not a IV-D case and upon court order, the circuit clerk shall record the amount of abatement  
24 in the automated child support system record established in chapter 454, RSMo.

25          3. Unless the circumstances of the child manifestly dictate otherwise and the court  
26 specifically so provides, the obligation of a parent to make child support payments shall  
27 terminate when the child:

28           (1) Dies;

29           (2) Marries;

30           (3) Enters active duty in the military;

31 (4) Becomes self-supporting, provided that the custodial parent has relinquished the child  
32 from parental control by express or implied consent;

33 (5) Reaches age eighteen, unless the provisions of subsection 4 or 5 of this section apply;  
34 or

35 (6) Reaches age twenty-one, unless the provisions of the child support order specifically  
36 extend the parental support order past the child's twenty-first birthday for reasons provided by  
37 subsection 4 of this section.

38 4. If the child is physically or mentally incapacitated from supporting himself and  
39 insolvent and unmarried, the court may extend the parental support obligation past the child's  
40 eighteenth birthday.

41 5. If when a child reaches age eighteen, the child is enrolled in and attending a secondary  
42 school program of instruction, the parental support obligation shall continue, if the child  
43 continues to attend and progresses toward completion of said program, until the child completes  
44 such program or reaches age twenty-one, whichever first occurs. If the child is enrolled in an  
45 institution of vocational or higher education not later than October first following graduation  
46 from a secondary school or completion of a graduation equivalence degree program and so long  
47 as the child enrolls for and completes at least twelve hours of credit each semester, not including  
48 the summer semester, at an institution of vocational or higher education and achieves grades  
49 sufficient to reenroll at such institution, the parental support obligation shall continue until the  
50 child completes his or her education, or until the child reaches the age of twenty-one, whichever  
51 first occurs. To remain eligible for such continued parental support, at the beginning of each  
52 semester the child shall submit to each parent a transcript or similar official document provided  
53 by the institution of vocational or higher education which includes the courses the child is  
54 enrolled in and has completed for each term, the grades and credits received for each such  
55 course, and an official document from the institution listing the courses which the child is  
56 enrolled in for the upcoming term and the number of credits for each such course. When  
57 enrolled in at least twelve credit hours, if the child receives failing grades in half or more of his  
58 or her courseload in any one semester, payment of child support may be terminated and shall not  
59 be eligible for reinstatement. Upon request for notification of the child's grades by the  
60 noncustodial parent, the child shall produce the required documents to the noncustodial parent  
61 within thirty days of receipt of grades from the education institution. If the child fails to produce  
62 the required documents, payment of child support may terminate without the accrual of any child  
63 support arrearage and shall not be eligible for reinstatement. If the circumstances of the child  
64 manifestly dictate, the court may waive the October first deadline for enrollment required by this  
65 subsection. If the child is enrolled in such an institution, the child or parent obligated to pay  
66 support may petition the court to amend the order to direct the obligated parent to make the

67 payments directly to the child. As used in this section, an "institution of vocational education"  
68 means any postsecondary training or schooling for which the student is assessed a fee and attends  
69 classes regularly. "Higher education" means any community college, college, or university at  
70 which the child attends classes regularly. A child who has been diagnosed with a developmental  
71 disability, as defined in section 630.005, RSMo, or whose physical disability or diagnosed health  
72 problem limits the child's ability to carry the number of credit hours prescribed in this subsection,  
73 shall remain eligible for child support so long as such child is enrolled in and attending an  
74 institution of vocational or higher education, and the child continues to meet the other  
75 requirements of this subsection. A child who is employed at least fifteen hours per week during  
76 the semester may take as few as nine credit hours per semester and remain eligible for child  
77 support so long as all other requirements of this subsection are complied with.

78 6. The court shall consider ordering a parent to waive the right to claim the tax  
79 dependency exemption for a child enrolled in an institution of vocational or higher education in  
80 favor of the other parent if the application of state and federal tax laws and eligibility for  
81 financial aid will make an award of the exemption to the other parent appropriate.

82 7. The general assembly finds and declares that it is the public policy of this state that  
83 frequent, continuing and meaningful contact with both parents after the parents have separated  
84 or dissolved their marriage is in the best interest of the child except for cases where the court  
85 specifically finds that such contact is not in the best interest of the child. In order to effectuate  
86 this public policy, a court with jurisdiction shall enforce visitation, custody and child support  
87 orders in the same manner. A court with jurisdiction may abate, in whole or in part, any past or  
88 future obligation of support and may transfer the physical and legal or physical or legal custody  
89 of one or more children if it finds that a parent has, without good cause, failed to provide  
90 visitation or physical and legal or physical or legal custody to the other parent pursuant to the  
91 terms of a judgment of dissolution, legal separation or modifications thereof. The court shall  
92 also award, if requested and for good cause shown, reasonable expenses, attorney's fees and court  
93 costs incurred by the prevailing party.

94 8. The Missouri supreme court shall have in effect a rule establishing guidelines by  
95 which any award of child support shall be made in any judicial or administrative proceeding.  
96 Said guidelines shall contain specific, descriptive and numeric criteria which will result in a  
97 computation of the support obligation. The guidelines shall address how the amount of child  
98 support shall be calculated when an award of joint physical custody results in the child or  
99 children spending substantially equal time with both parents. The Missouri supreme court shall  
100 publish child support guidelines and specifically list and explain the relevant factors and  
101 assumptions that were used to calculate the child support guidelines. Any rule made pursuant  
102 to this subsection shall be reviewed by the promulgating body not less than once every four years

103 to ensure that its application results in the determination of appropriate child support award  
104 amounts.

105 9. There shall be a rebuttable presumption, in any judicial or administrative proceeding  
106 for the award of child support, that the amount of the award which would result from the  
107 application of the guidelines established pursuant to subsection 8 of this section is the correct  
108 amount of child support to be awarded. A written finding or specific finding on the record in a  
109 judicial or administrative proceeding that the application of the guidelines would be unjust or  
110 inappropriate in a particular case, after considering all relevant factors, including the factors set  
111 out in subsection 1 of this section, is required if requested by a party and shall be sufficient to  
112 rebut the presumption in the case. The written finding or specific finding on the record shall  
113 detail the specific relevant factors that required a deviation from the application of the guidelines.

114 10. Pursuant to this or any other chapter, when a court determines the amount owed by  
115 a parent for support provided to a child by another person, other than a parent, prior to the date  
116 of filing of a petition requesting support, or when the director of the family support division  
117 establishes the amount of state debt due pursuant to subdivision (2) of subsection 1 of section  
118 454.465, RSMo, the court or director shall use the guidelines established pursuant to subsection  
119 8 of this section. The amount of child support resulting from the application of the guidelines  
120 shall be applied retroactively for a period prior to the establishment of a support order and the  
121 length of the period of retroactivity shall be left to the discretion of the court or director. There  
122 shall be a rebuttable presumption that the amount resulting from application of the guidelines  
123 under subsection 8 of this section constitutes the amount owed by the parent for the period prior  
124 to the date of the filing of the petition for support or the period for which state debt is being  
125 established. In applying the guidelines to determine a retroactive support amount, when  
126 information as to average monthly income is available, the court or director may use the average  
127 monthly income of the noncustodial parent, as averaged over the period of retroactivity, in  
128 determining the amount of presumed child support owed for the period of retroactivity. The  
129 court or director may enter a different amount in a particular case upon finding, after  
130 consideration of all relevant factors, including the factors set out in subsection 1 of this section,  
131 that there is sufficient cause to rebut the presumed amount.

132 11. The obligation of a parent to make child support payments may be terminated as  
133 follows:

134 (1) Provided that the **state case registry** or child support order contains the child's date  
135 of birth, the obligation shall be deemed terminated without further judicial or administrative  
136 process when the child reaches age twenty-one if the child support order does not specifically  
137 require payment of child support beyond age twenty-one for reasons provided by subsection 4  
138 of this section;



139 (2) The obligation shall be deemed terminated without further judicial or administrative  
140 process when the parent receiving child support furnishes a sworn statement or affidavit  
141 notifying the obligor parent of the child's emancipation in accordance with the requirements of  
142 subsection 4 of section 452.370, and a copy of such sworn statement or affidavit is filed with the  
143 court which entered the order establishing the child support obligation, or the **family support**  
144 **division [of child support enforcement] for an order entered under section 454.470;**

145 (3) The obligation shall be deemed terminated without further judicial or administrative  
146 process when the parent paying child support files a sworn statement or affidavit with the court  
147 which entered the order establishing the child support obligation, or the family support division  
148 **for an order entered under section 454.470**, stating that the child is emancipated and reciting  
149 the factual basis for such statement; which statement or affidavit is served by the court or  
150 division, **as applicable**, on the child support obligee; and which is either acknowledged and  
151 affirmed by the child support obligee in writing, or which is not responded to in writing within  
152 thirty days of receipt by the child support obligee;

153 (4) The obligation shall be terminated as provided by this subdivision by the court which  
154 entered the order establishing the child support obligation, or the family support division **for an**  
155 **order entered under section 454.470**, when the parent paying child support files a sworn  
156 statement or affidavit with the court which entered the order establishing the child support  
157 obligation, or the family support division, **as applicable**, stating that the child is emancipated  
158 and reciting the factual basis for such statement; and which statement or affidavit is served by  
159 the court or division, **as applicable**, on the child support obligee. If the obligee denies the  
160 statement or affidavit, the court or division shall thereupon treat the sworn statement or affidavit  
161 as a [motion to modify the support obligation pursuant to section 452.370 or section 454.496,  
162 RSMo,] **request for hearing** and shall proceed to hear and adjudicate such [motion] **request for**  
163 **hearing** as provided by law; provided that the court may require the payment of a deposit as  
164 security for court costs and any accrued court costs, as provided by law, in relation to such  
165 [motion to modify] **request for hearing. When the division receives a request for hearing,**  
166 **the hearing shall be held in the manner provided by section 454.475.**

167 12. The court may enter a judgment terminating child support pursuant to subdivisions  
168 (1) to (3) of subsection 11 of this section without necessity of a court appearance by either party.  
169 The clerk of the court shall mail a copy of a judgment terminating child support entered pursuant  
170 to subsection 11 of this section on both the obligor and obligee parents. The supreme court may  
171 promulgate uniform forms for sworn statements and affidavits to terminate orders of child  
172 support obligations for use pursuant to subsection 11 of this section and subsection 4 of section  
173 452.370.

452.430. **All pleadings and filings in a dissolution of marriage, legal separation, or modification proceeding, filed more than seventy-two years prior to the time a request for inspection is made may be made available to the public.** Any pleadings, other than the interlocutory or final judgment **or any modification thereof**, in a dissolution of marriage [or], legal separation, **or modification proceeding** filed prior to August 28, 2009, **but less than seventy-two years prior to the time a request for inspection is made**, shall be subject to inspection only by the parties [or], an attorney of record [or upon order of the court for good cause shown, or by], the family support division within the department of social services when services are being provided under section 454.400, [RSMo.] **the attorney general or his or her designee, a person or designee of a person licensed and acting under chapter 381 who shall keep any information obtained confidential, except as necessary to the performance of functions required by chapter 381, or upon order of the court for good cause shown. Such persons may receive or make copies of documents without the clerk being required to redact the Social Security number, unless the court specifically orders the clerk to do otherwise.** The clerk shall redact the Social Security number from any **copy of a judgment [or pleading] or satisfaction of judgment** before releasing the **copy of the interlocutory or final judgment or satisfaction of judgment** to the public.

454.475. 1. Hearings provided for in this section shall be conducted pursuant to chapter 536, RSMo, by administrative hearing officers designated by the Missouri department of social services. The hearing officer shall provide the parents, the person having custody of the child, or other appropriate agencies or their attorneys with notice of any proceeding in which support obligations may be established or modified. The department shall not be stayed from enforcing and collecting upon the administrative order during the hearing process and during any appeal to the courts of this state, unless specifically enjoined by court order.

2. If no factual issue has been raised by the application for hearing, or the issues raised have been previously litigated or do not constitute a defense to the action, the director may enter an order without an evidentiary hearing, which order shall be a final decision entitled to judicial review as provided in sections 536.100 to 536.140, RSMo.

3. After full and fair hearing, the hearing officer shall make specific findings regarding the liability and responsibility, if any, of the alleged responsible parent for the support of the dependent child, and for repayment of accrued state debt or arrearages, and the costs of collection, and shall enter an order consistent therewith. In making the determination of the amount the parent shall contribute toward the future support of a dependent child, the hearing officer shall [use the scale and formula for minimum support obligations established by the department pursuant to section 454.480] **consider the factors set forth in section 452.340.**

19 4. If the person who requests the hearing fails to appear at the time and place set for the  
20 hearing, upon a showing of proper notice to that parent, the hearing officer shall enter findings  
21 and order in accordance with the provisions of the notice and finding of support responsibility  
22 unless the hearing officer determines that no good cause therefor exists.

23 5. In contested cases, the findings and order of the hearing officer shall be the decision  
24 of the director. Any parent or person having custody of the child adversely affected by such  
25 decision may obtain judicial review pursuant to sections 536.100 to 536.140, RSMo, by filing  
26 a petition for review in the circuit court of proper venue within thirty days of mailing of the  
27 decision. Copies of the decision or order of the hearing officer shall be mailed to any parent,  
28 person having custody of the child and the division within fourteen days of issuance.

29 6. If a hearing has been requested, and upon request of a parent, a person having custody  
30 of the child, the division or a IV-D agency, the director shall enter a temporary order requiring  
31 the provision of child support pending the final decision or order pursuant to this section if there  
32 is clear and convincing evidence establishing a presumption of paternity pursuant to section  
33 210.822, RSMo. In determining the amount of child support, the director shall consider the  
34 factors set forth in section 452.340, RSMo. The temporary order, effective upon filing pursuant  
35 to section 454.490, is not subject to a hearing pursuant to this section. The temporary order may  
36 be stayed by a court of competent jurisdiction only after a hearing and a finding by the court that  
37 the order fails to comply with rule 88.01.

454.517. 1. The director, IV-D agency or the obligee may cause a lien for unpaid and  
2 delinquent child or spousal support to be placed upon any workers' compensation benefits  
3 payable to an obligor delinquent in child or spousal support payments.

4 2. No such lien shall be effective unless and until a written notice is filed with the  
5 director of the division of workers' compensation. The notice shall contain the name and address  
6 of the delinquent obligor, the Social Security number of the obligor, if known, the name of the  
7 obligee, and the amount of delinquent child or spousal support.

8 3. Notice of lien shall not be filed unless the delinquent child or spousal support  
9 obligation exceeds one hundred dollars.

10 4. Any person or persons, firm or firms, corporation or corporations, including an  
11 insurance carrier, making any payment of workers' compensation benefits to such obligor or to  
12 such obligor's attorneys, heirs or legal representative, after receipt of such notice, as defined in  
13 subsection 5 of this section, shall be liable to the obligee or, if support has been assigned  
14 pursuant to subsection 2 of section 208.040, RSMo, to the state or IV-D agency in an amount  
15 equal to the lesser of the workers' compensation benefits paid or delinquent child or spousal  
16 support. In such event, the lien may be enforced by a suit at law against any person or persons,  
17 firm or firms, corporation or corporations making the workers' compensation benefit payment.

18           5. Upon the filing of a notice pursuant to this section, the director of the division of  
19 workers' compensation shall mail to the obligor and to all attorneys and insurance carriers of  
20 record, a copy of the notice. The obligor, attorneys and insurance carriers shall be deemed to  
21 have received the notice within five days of the mailing of the notice by the director of the  
22 division of workers' compensation. The lien described in this section shall attach to all workers'  
23 compensation benefits which are thereafter payable.

24           6. **A notice issued by the IV-D agency of this state shall advise the obligor of the**  
25 **procedures to contest the lien under section 454.475 on the grounds that such lien is**  
26 **improper due to a mistake of fact by requesting a hearing within thirty days of the mailing**  
27 **date of the notice. At such a hearing the certified copy of the court order and the sworn**  
28 **or certified statement of arrearages shall constitute prima facie evidence that the director's**  
29 **order is valid and enforceable. If a prima facie case is established, the obligor may only**  
30 **assert mistake of fact as a defense. For purposes of this section, "mistake of fact" means**  
31 **an error in the amount of the overdue support or an error as to the identity of the obligor.**  
32 **The obligor shall have the burden of proof on such issues.**

33           7. In cases which are not IV-D cases, to cause a lien pursuant to the provisions of this  
34 section the obligee or the obligor's attorney shall file notice of the lien with the lienholder or  
35 payor. This notice shall have attached a certified copy of the court order with all modifications  
36 and a sworn statement by the obligee or a certified statement from the court attesting to or  
37 certifying the amount of arrearages.

          454.557. 1. A current support obligation shall not be recorded in the records maintained  
2 in the automated child support system in the following cases:

3           (1) In a IV-D case with a support order pursuant to section 454.465 or 454.470 when the  
4 division determines that payments for current support are no longer due and should no longer be  
5 made to the payment center. The division shall notify by first class mail the obligor and obligee  
6 under the support orders that payments shall no longer be made to the payment center, and any  
7 withholding of income shall be terminated unless it is subsequently determined by the division  
8 or court having jurisdiction that payments will continue. The division's determination shall  
9 terminate the division's support order, but shall not terminate any obligation of support  
10 established by court order. The obligor and obligee may contest the decision of the division to  
11 terminate the division's support order by requesting a hearing within thirty days of the mailing  
12 of the notice provided pursuant to this section. The hearing shall comply with the provisions of  
13 section 454.475;

14           (2) In [a IV-D case] **all cases** with a support order entered by a court when the court that  
15 issued the support order terminates such order [and notifies the division]. The division shall also  
16 cease enforcing the order if no past support is due; or

17 (3) In all cases when the [child is twenty-two years of age, unless a court orders support  
18 to continue. The obligor or obligee may contest the decision of the division to terminate  
19 accruing support orders by requesting a hearing within thirty days of the mailing of notice by the  
20 division. The hearing shall comply with the provisions of section 454.475. The issue at the  
21 hearing, if any, shall be limited to a mistake of fact as to the age of the child or the existence of  
22 a court order requiring support after the age of twenty-two] **obligation of a parent to make  
23 child support payments is deemed terminated under subdivisions (1) to (4) of subsection  
24 11 of section 452.340.**

25 2. Nothing in this section shall affect or terminate the amount due for unpaid past  
26 support.

454.1003. 1. A court or the director of the division of child support enforcement may  
2 issue an order, or in the case of a business, professional or occupational license, only a court may  
3 issue an order, suspending an obligor's license and ordering the obligor to refrain from engaging  
4 in a licensed activity in the following cases:

5 (1) When the obligor is not making child support payments in accordance with a [court]  
6 **support** order and owes an arrearage in an amount greater than or equal to three months support  
7 payments or two thousand five hundred dollars, whichever is less, as of the date of service of a  
8 notice of intent to suspend such license; or

9 (2) When the obligor or any other person, after receiving appropriate notice, fails to  
10 comply with a subpoena of a court or the director concerning actions relating to the  
11 establishment of paternity, or to the establishment, modification or enforcement of support  
12 orders, or order of the director for genetic testing.

13 2. In any case but a IV-D case, upon the petition of an obligee alleging the existence of  
14 an arrearage, a court with jurisdiction over the support order may issue a notice of intent to  
15 suspend a license. In a IV-D case, the director, or a court at the request of the director, may issue  
16 a notice of intent to suspend.

17 3. The notice of intent to suspend a license shall be served on the obligor personally or  
18 by certified mail. If the proposed suspension of license is based on the obligor's support  
19 arrearage, the notice shall state that the obligor's license shall be suspended sixty days after  
20 service unless, within such time, the obligor:

21 (1) Pays the entire arrearage stated in the notice;

22 (2) Enters into and complies with a payment plan approved by the court or the division;

23 or

24 (3) Requests a hearing before the court or the director.

25 4. In a IV-D case, the notice shall advise the obligor that hearings are subject to the  
26 contested case provisions of chapter 536, RSMo.

27           5. If the proposed suspension of license is based on the alleged failure to comply with  
28 a subpoena relating to paternity or a child support proceeding, or order of the director for genetic  
29 testing, the notice of intent to suspend shall inform the person that such person's license shall be  
30 suspended sixty days after service, unless the person complies with the subpoena or order.

31           6. If the obligor fails to comply with the terms of repayment agreement, a court or the  
32 division may issue a notice of intent to suspend the obligor's license.

33           7. In addition to the actions to suspend or withhold licenses pursuant to this chapter, a  
34 court or the director of the division of child support enforcement may restrict such licenses in  
35 accordance with the provisions of this chapter.

          488.429. 1. Moneys collected pursuant to section 488.426 shall be payable to the judges  
2 of the circuit court, en banc, of the county from which such surcharges were collected, or to such  
3 person as is designated by local circuit court rule as treasurer of said fund, and said fund may be  
4 applied and expended under the direction and order of the judges of the circuit court, en banc,  
5 of any such county for the maintenance and upkeep of the law library maintained by the bar  
6 association in any such county, or such other law library in any such county as may be designated  
7 by the judges of the circuit court, en banc, of any such county; provided, that the judges of the  
8 circuit court, en banc, of any such county, and the officers of all courts of record of any such  
9 county, shall be entitled at all reasonable times to use the library to the support of which said  
10 funds are applied.

11           2. In addition, such fund may also be applied and expended for that county's or circuit's  
12 family services and justice fund.

13           3. In any county[, other than a county on the nonpartisan court plan,] such fund may also  
14 be applied and expended for courtroom renovation and technology enhancement, or for debt  
15 service on county bonds for such renovation or enhancement projects.

**493.055. All public advertisements and orders of publication required by law to be  
2 made, including but not limited to amendments to the Missouri Constitution, legal  
3 publications affecting all sales of real estate under a power of sale contained in any  
4 mortgage or deed of trust, and other legal publications affecting the title to real estate, shall  
5 be published in a newspaper of general circulation, qualified under the provisions of  
6 section 493.050, and persons responsible for orders of publication described in sections  
7 443.310 and 443.320, shall be subject to the prohibitions in sections 493.130 and 493.140.**

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

          563.011. As used in this chapter the following terms shall mean:

2 (1) "Deadly force", physical force which the actor uses with the purpose of causing or  
3 which he or she knows to create a substantial risk of causing death or serious physical injury;

4 (2) "Dwelling", any building, inhabitable structure, or conveyance of any kind, whether  
5 the building, inhabitable structure, or conveyance is temporary or permanent, mobile or  
6 immobile, which has a roof over it, including a tent, and is designed to be occupied by people  
7 lodging therein at night;

8 (3) "Forcible felony", any felony involving the use or threat of physical force or violence  
9 against any individual, including but not limited to murder, robbery, burglary, arson, kidnapping,  
10 assault, and any forcible sexual offense;

11 (4) "Premises", includes any building, inhabitable structure and any real property;

12 (5) "Private person", any person other than a law enforcement officer;

13 (6) "**Private property**", **any real property in this state that is privately owned or**  
14 **leased**;

15 (7) "Remain after unlawfully entering", to remain in or upon premises after unlawfully  
16 entering as defined in this section;

17 [(7)] (8) "Residence", a dwelling in which a person resides either temporarily or  
18 permanently or is visiting as an invited guest;

19 [(8)] (9) "Unlawfully enter", a person unlawfully enters in or upon premises **or private**  
20 **property** when he or she enters such premises **or private property** and is not licensed or  
21 privileged to do so. A person who, regardless of his or her purpose, enters in or upon **private**  
22 **property or** premises that are at the time open to the public does so with license unless he or she  
23 defies a lawful order not to enter, personally communicated to him or her by the owner of such  
24 premises or by another authorized person. A license to enter in a building that is only partly open  
25 to the public is not a license to enter in that part of the building that is not open to the public.

563.031. 1. A person may, subject to the provisions of subsection 2 of this section, use  
2 physical force upon another person when and to the extent he or she reasonably believes such  
3 force to be necessary to defend himself or herself or a third person from what he or she  
4 reasonably believes to be the use or imminent use of unlawful force by such other person, unless:

5 (1) The actor was the initial aggressor; except that in such case his or her use of force  
6 is nevertheless justifiable provided:

7 (a) He or she has withdrawn from the encounter and effectively communicated such  
8 withdrawal to such other person but the latter persists in continuing the incident by the use or  
9 threatened use of unlawful force; or

10 (b) He or she is a law enforcement officer and as such is an aggressor pursuant to section  
11 563.046; or

12 (c) The aggressor is justified under some other provision of this chapter or other  
13 provision of law;

14 (2) Under the circumstances as the actor reasonably believes them to be, the person  
15 whom he or she seeks to protect would not be justified in using such protective force;

16 (3) The actor was attempting to commit, committing, or escaping after the commission  
17 of a forcible felony.

18 2. A person may not use deadly force upon another person under the circumstances  
19 specified in subsection 1 of this section unless:

20 (1) He or she reasonably believes that such deadly force is necessary to protect himself  
21 or herself or another against death, serious physical injury, or any forcible felony; [or]

22 (2) Such force is used against a person who unlawfully enters, remains after unlawfully  
23 entering, or attempts to unlawfully enter a dwelling, residence, or vehicle lawfully occupied by  
24 such person; **or**

25 (3) **Such force is used against a person who unlawfully enters, remains after**  
26 **unlawfully entering, or attempts to unlawfully enter private property that is owned or**  
27 **leased by an individual claiming a justification of using protective force under this section.**

28 3. A person does not have a duty to retreat from a dwelling, residence, or vehicle where  
29 the person is not unlawfully entering or unlawfully remaining. **A person does not have a duty**  
30 **to retreat from private property that is owned or leased by such individual.**

31 4. The justification afforded by this section extends to the use of physical restraint as  
32 protective force provided that the actor takes all reasonable measures to terminate the restraint  
33 as soon as it is reasonable to do so.

34 5. The defendant shall have the burden of injecting the issue of justification under this  
35 section. **If a defendant asserts that his or her use of force is described under subdivision**  
36 **(2) of subsection 2 of this section, the burden shall then be on the state to prove beyond a**  
37 **reasonable doubt that the defendant did not reasonably believe that the use of such force**  
38 **was necessary to defend against what he or she reasonably believed was the use or**  
39 **imminent use of unlawful force.**

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

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

5 (2) Sets a spring gun; or

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



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

11 (5) [Possesses or discharges a firearm or projectile weapon while intoxicated] **Has a**  
12 **firearm or projectile weapon readily capable of lethal use on his or her person, while he**  
13 **or she is intoxicated, and handles or otherwise uses such firearm or projectile weapon in**  
14 **either a negligent or unlawful manner or discharges such firearm or projectile weapon**  
15 **unless acting in self-defense;**

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

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

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

24 (9) Discharges or shoots a firearm at or from a motor vehicle, as defined in section  
25 301.010, RSMo, discharges or shoots a firearm at any person, or at any other motor vehicle, or  
26 at any building or habitable structure, unless the person was lawfully acting in self-defense; or

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

30 2. Subdivisions (1), (3), (4), (6), (7), (8), (9) and (10) of subsection 1 of this section shall  
31 not apply to or affect any of the following **when such uses are reasonably associated with or**  
32 **are necessary to the fulfillment of such person's official duties:**

33 (1) All state, county and municipal peace officers who have completed the training  
34 required by the police officer standards and training commission pursuant to sections 590.030  
35 to 590.050, RSMo, and [possessing] **who possess** the duty and power of arrest for violation of  
36 the general criminal laws of the state or for violation of ordinances of counties or municipalities  
37 of the state, whether such officers are on or off duty, and whether such officers are within or  
38 outside of the law enforcement agency's jurisdiction, or all qualified retired peace officers, as  
39 defined in subsection 10 of this section, and who carry the identification defined in subsection  
40 11 of this section, or any person summoned by such officers to assist in making arrests or  
41 preserving the peace while actually engaged in assisting such officer;

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

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

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

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

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

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

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

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

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

60 3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not apply when  
61 the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when  
62 ammunition is not readily accessible or when such weapons are not readily accessible.  
63 Subdivision (1) of subsection 1 of this section does not apply to any person twenty-one years of  
64 age or older transporting a concealable firearm in the passenger compartment of a motor vehicle,  
65 so long as such concealable firearm is otherwise lawfully possessed, nor when the actor is also  
66 in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in  
67 his or her dwelling unit or upon premises over which the actor has possession, authority or  
68 control, or is traveling in a continuous journey peaceably through this state. Subdivision (10)  
69 of subsection 1 of this section does not apply if the firearm is otherwise lawfully possessed by  
70 a person while traversing school premises for the purposes of transporting a student to or from  
71 school, or possessed by an adult for the purposes of facilitation of a school-sanctioned  
72 firearm-related event.

73 4. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to any  
74 person who has a valid concealed carry endorsement issued pursuant to sections 571.101 to  
75 571.121 or a valid permit or endorsement to carry concealed firearms issued by another state or  
76 political subdivision of another state.

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

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

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

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

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

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

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

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

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

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

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

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

114 (3) Before such retirement, was regularly employed as a peace officer for an aggregate  
115 of fifteen years or more, or retired from service with such agency, after completing any

116 applicable probationary period of such service, due to a service-connected disability, as  
117 determined by such agency;

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

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

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

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

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

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

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

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

571.070. 1. A person commits the crime of unlawful possession of a firearm if such  
2 person knowingly has any firearm in his or her possession and:

3 (1) Such person has been convicted of a felony under the laws of this state, or of a crime  
4 under the laws of any state or of the United States which, if committed within this state, would  
5 be a felony; or

6 (2) Such person is a fugitive from justice, is habitually in an intoxicated or drugged  
7 condition, or is currently adjudged mentally incompetent.

8 2. Unlawful possession of a firearm is a class C felony.

9 **3. The provisions of subdivision (1) of subsection 1 of this section shall not apply**  
10 **to the possession of an antique firearm.**

571.104. 1. (1) A concealed carry endorsement issued pursuant to sections 571.101 to  
2 571.121 shall be suspended or revoked if the concealed carry endorsement holder becomes  
3 ineligible for such concealed carry endorsement under the criteria established in subdivisions (2),

4 (3), (4), (5), and (7) of subsection 2 of section 571.101 or upon the issuance of a valid full order  
5 of protection.

6 (2) When a valid full order of protection, or any arrest warrant, discharge, or  
7 commitment for the reasons listed in subdivision (2), (3), (4), (5), or (7) of subsection 2 of  
8 section 571.101, is issued against a person holding a concealed carry endorsement issued  
9 pursuant to sections 571.101 to 571.121 upon notification of said order, warrant, discharge or  
10 commitment or upon an order of a court of competent jurisdiction in a criminal proceeding, a  
11 commitment proceeding or a full order of protection proceeding ruling that a person holding a  
12 concealed carry endorsement presents a risk of harm to themselves or others, then upon  
13 notification of such order, the holder of the concealed carry endorsement shall surrender the  
14 driver's license or nondriver's license containing the concealed carry endorsement to the court,  
15 to the officer, or other official serving the order, warrant, discharge, or commitment.

16 (3) The official to whom the driver's license or nondriver's license containing the  
17 concealed carry endorsement is surrendered shall issue a receipt to the licensee for the license  
18 upon a form, approved by the director of revenue, that serves as a driver's license or a nondriver's  
19 license and clearly states the concealed carry endorsement has been suspended. The official shall  
20 then transmit the driver's license or a nondriver's license containing the concealed carry  
21 endorsement to the circuit court of the county issuing the order, warrant, discharge, or  
22 commitment. The concealed carry endorsement issued pursuant to sections 571.101 to 571.121  
23 shall be suspended until the order is terminated or until the arrest results in a dismissal of all  
24 charges. Upon dismissal, the court holding the driver's license or nondriver's license containing  
25 the concealed carry endorsement shall return it to the individual.

26 (4) Any conviction, discharge, or commitment specified in sections 571.101 to 571.121  
27 shall result in a revocation. Upon conviction, the court shall forward a notice of conviction or  
28 action and the driver's license or nondriver's license with the concealed carry endorsement to the  
29 department of revenue. The department of revenue shall notify the sheriff of the county which  
30 issued the certificate of qualification for a concealed carry endorsement and shall report the  
31 change in status of the concealed carry endorsement to the Missouri uniform law enforcement  
32 system. The director of revenue shall immediately remove the endorsement issued pursuant to  
33 sections 571.101 to 571.121 from the individual's driving record within three days of the receipt  
34 of the notice from the court. The director of revenue shall notify the licensee that he or she must  
35 apply for a new license pursuant to chapter 302, RSMo, which does not contain such  
36 endorsement. This requirement does not affect the driving privileges of the licensee. The notice  
37 issued by the department of revenue shall be mailed to the last known address shown on the  
38 individual's driving record. The notice is deemed received three days after mailing.

39           2. A concealed carry endorsement shall be renewed for a qualified applicant upon receipt  
40 of the properly completed renewal application and the required renewal fee by the sheriff of the  
41 county of the applicant's residence. The renewal application shall contain the same required  
42 information as set forth in subsection 3 of section 571.101, except that in lieu of the fingerprint  
43 requirement of subsection 5 of section 571.101 and the firearms safety training, the applicant  
44 need only display his or her current driver's license or nondriver's license containing a concealed  
45 carry endorsement. Upon successful completion of all renewal requirements, the sheriff shall  
46 issue a certificate of qualification which contains the date such certificate was renewed.

47           3. A person who has been issued a certificate of qualification for a concealed carry  
48 endorsement who fails to file a renewal application on or before its expiration date must pay an  
49 additional late fee of ten dollars per month for each month it is expired for up to six months.  
50 After six months, the sheriff who issued the expired certificate shall notify the director of  
51 revenue that such certificate is expired. The director of revenue shall immediately cancel the  
52 concealed carry endorsement and remove such endorsement from the individual's driving record  
53 and notify the individual of such cancellation. The notice of cancellation of the endorsement  
54 shall be conducted in the same manner as described in subsection 1 of this section. Any person  
55 who has been issued a certificate of qualification for a concealed carry endorsement pursuant to  
56 sections 571.101 to 571.121 who fails to renew his or her application within the six-month  
57 period must reapply for a new certificate of qualification for a concealed carry endorsement and  
58 pay the fee for a new application. The director of revenue shall not issue an endorsement on a  
59 renewed driver's license or renewed nondriver's license unless the applicant for such license  
60 provides evidence that he or she has renewed the certification of qualification for a concealed  
61 carry endorsement in the manner provided for such renewal pursuant to sections 571.101 to  
62 571.121. If an applicant for renewal of a driver's license or nondriver's license containing a  
63 concealed carry endorsement does not want to maintain the concealed carry endorsement, the  
64 applicant shall inform the director at the time of license renewal of his or her desire to remove  
65 the endorsement. When a driver's or nondriver's license applicant informs the director of his or  
66 her desire to remove the concealed carry endorsement, the director shall renew the driver's  
67 license or nondriver's license without the endorsement appearing on the license if the applicant  
68 is otherwise qualified for such renewal.

69           4. Any person issued a concealed carry endorsement pursuant to sections 571.101 to  
70 571.121 shall notify the department of revenue and the sheriffs of both the old and new  
71 jurisdictions of the endorsement holder's change of residence within thirty days after the  
72 changing of a permanent residence. The endorsement holder shall furnish proof to the  
73 department of revenue and the sheriff in the new jurisdiction that the endorsement holder has  
74 changed his or her residence. **The sheriff of the new jurisdiction may charge a processing**

75 **fee of not more than ten dollars for any costs associated with notification of a change in**  
76 **residence.** The change of residence shall be made by the department of revenue onto the  
77 individual's driving record and the new address shall be accessible by the Missouri uniform law  
78 enforcement system within three days of receipt of the information.

79 5. Any person issued a driver's license or nondriver's license containing a concealed carry  
80 endorsement pursuant to sections 571.101 to 571.121 shall notify the sheriff or his or her  
81 designee of the endorsement holder's county or city of residence within seven days after actual  
82 knowledge of the loss or destruction of his or her driver's license or nondriver's license  
83 containing a concealed carry endorsement. The endorsement holder shall furnish a statement to  
84 the sheriff that the driver's license or nondriver's license containing the concealed carry  
85 endorsement has been lost or destroyed. After notification of the loss or destruction of a driver's  
86 license or nondriver's license containing a concealed carry endorsement, the sheriff shall reissue  
87 a new certificate of qualification within three working days of being notified by the concealed  
88 carry endorsement holder of its loss or destruction. The reissued certificate of qualification shall  
89 contain the same personal information, including expiration date, as the original certificate of  
90 qualification. The applicant shall then take the certificate to the department of revenue, and the  
91 department of revenue shall proceed on the certificate in the same manner as provided in  
92 subsection 7 section 571.101. Upon application for a license pursuant to chapter 302, RSMo,  
93 the director of revenue shall issue a driver's license or nondriver's license containing a concealed  
94 carry endorsement if the applicant is otherwise eligible to receive such license.

95 6. If a person issued a concealed carry endorsement changes his or her name, the person  
96 to whom the endorsement was issued shall obtain a corrected certificate of qualification for a  
97 concealed carry endorsement with a change of name from the sheriff who issued such certificate  
98 upon the sheriff's verification of the name change. **The sheriff may charge a processing fee**  
99 **of not more than ten dollars for any costs associated with obtaining a corrected certificate**  
100 **of qualification.** The endorsement holder shall furnish proof of the name change to the  
101 department of revenue and the sheriff within thirty days of changing his or her name and display  
102 his or her current driver's license or nondriver's license containing a concealed carry  
103 endorsement. The endorsement holder shall apply for a new driver's license or nondriver's  
104 license containing his or her new name. Such application for a driver's license or nondriver's  
105 license shall be made pursuant to chapter 302, RSMo. The director of revenue shall issue a  
106 driver's license or nondriver's license with concealed carry endorsement with the endorsement  
107 holder's new name if the applicant is otherwise eligible for such license. The director of revenue  
108 shall take custody of the old driver's license or nondriver's license. The name change shall be  
109 made by the department of revenue onto the individual's driving record and the new name shall

110 be accessible by the Missouri uniform law enforcement system within three days of receipt of  
111 the information.

112 7. A concealed carry endorsement shall be automatically invalid after thirty days if the  
113 endorsement holder has changed his or her name or changed his or her residence and not notified  
114 the department of revenue and sheriff of a change of name or residence as required in subsections  
115 4 and 6 of this section.

571.107. 1. A concealed carry endorsement issued pursuant to sections 571.101 to  
2 571.121 or a concealed carry endorsement or permit issued by another state or political  
3 subdivision of another state shall authorize the person in whose name the permit or endorsement  
4 is issued to carry concealed firearms on or about his or her person or vehicle throughout the state.  
5 No driver's license or nondriver's license containing a concealed carry endorsement issued  
6 pursuant to sections 571.101 to 571.121 or a concealed carry endorsement or permit issued by  
7 another state or political subdivision of another state shall authorize any person to carry  
8 concealed firearms into:

9 (1) Any police, sheriff, or highway patrol office or station without the consent of the  
10 chief law enforcement officer in charge of that office or station. Possession of a firearm in a  
11 vehicle on the premises of the office or station shall not be a criminal offense so long as the  
12 firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

13 (2) Within twenty-five feet of any polling place on any election day. Possession of a  
14 firearm in a vehicle on the premises of the polling place shall not be a criminal offense so long  
15 as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

16 (3) The facility of any adult or juvenile detention or correctional institution, prison or  
17 jail. Possession of a firearm in a vehicle on the premises of any adult, juvenile detention, or  
18 correctional institution, prison or jail shall not be a criminal offense so long as the firearm is not  
19 removed from the vehicle or brandished while the vehicle is on the premises;

20 (4) Any courthouse solely occupied by the circuit, appellate or supreme court, or any  
21 courtrooms, administrative offices, libraries or other rooms of any such court whether or not such  
22 court solely occupies the building in question. This subdivision shall also include, but not be  
23 limited to, any juvenile, family, drug, or other court offices, any room or office wherein any of  
24 the courts or offices listed in this subdivision are temporarily conducting any business within the  
25 jurisdiction of such courts or offices, and such other locations in such manner as may be  
26 specified by supreme court rule pursuant to subdivision (6) of this subsection. Nothing in this  
27 subdivision shall preclude those persons listed in subdivision (1) of subsection 2 of section  
28 571.030 while within their jurisdiction and on duty, those persons listed in subdivisions (2)  
29 [and], (4), **and (10)** of subsection 2 of section 571.030, or such other persons who serve in a law  
30 enforcement capacity for a court as may be specified by supreme court rule pursuant to



31 subdivision (6) of this subsection from carrying a concealed firearm within any of the areas  
32 described in this subdivision. Possession of a firearm in a vehicle on the premises of any of the  
33 areas listed in this subdivision shall not be a criminal offense so long as the firearm is not  
34 removed from the vehicle or brandished while the vehicle is on the premises;

35 (5) Any meeting of the governing body of a unit of local government; or any meeting of  
36 the general assembly or a committee of the general assembly, except that nothing in this  
37 subdivision shall preclude a member of the body holding a valid concealed carry endorsement  
38 from carrying a concealed firearm at a meeting of the body which he or she is a member.  
39 Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the  
40 firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

41 (6) The general assembly, supreme court, county or municipality may by rule,  
42 administrative regulation, or ordinance prohibit or limit the carrying of concealed firearms by  
43 endorsement holders in that portion of a building owned, leased or controlled by that unit of  
44 government. Any portion of a building in which the carrying of concealed firearms is prohibited  
45 or limited shall be clearly identified by signs posted at the entrance to the restricted area. The  
46 statute, rule or ordinance shall exempt any building used for public housing by private persons,  
47 highways or rest areas, firing ranges, and private dwellings owned, leased, or controlled by that  
48 unit of government from any restriction on the carrying or possession of a firearm. The statute,  
49 rule or ordinance shall not specify any criminal penalty for its violation but may specify that  
50 persons violating the statute, rule or ordinance may be denied entrance to the building, ordered  
51 to leave the building and if employees of the unit of government, be subjected to disciplinary  
52 measures for violation of the provisions of the statute, rule or ordinance. The provisions of this  
53 subdivision shall not apply to any other unit of government;

54 (7) Any establishment licensed to dispense intoxicating liquor for consumption on the  
55 premises, which portion is primarily devoted to that purpose, without the consent of the owner  
56 or manager. The provisions of this subdivision shall not apply to the licensee of said  
57 establishment. The provisions of this subdivision shall not apply to any bona fide restaurant  
58 open to the general public having dining facilities for not less than fifty persons and that receives  
59 at least fifty-one percent of its gross annual income from the dining facilities by the sale of food.  
60 This subdivision does not prohibit the possession of a firearm in a vehicle on the premises of the  
61 establishment and shall not be a criminal offense so long as the firearm is not removed from the  
62 vehicle or brandished while the vehicle is on the premises. Nothing in this subdivision  
63 authorizes any individual who has been issued a concealed carry endorsement to possess any  
64 firearm while intoxicated;

65 (8) Any area of an airport to which access is controlled by the inspection of persons and  
66 property. Possession of a firearm in a vehicle on the premises of the airport shall not be a

67 criminal offense so long as the firearm is not removed from the vehicle or brandished while the  
68 vehicle is on the premises;

69 (9) Any place where the carrying of a firearm is prohibited by federal law;

70 (10) Any higher education institution or elementary or secondary school facility without  
71 the consent of the governing body of the higher education institution or a school official or the  
72 district school board. Possession of a firearm in a vehicle on the premises of any higher  
73 education institution or elementary or secondary school facility shall not be a criminal offense  
74 so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the  
75 premises;

76 (11) Any portion of a building used as a child-care facility without the consent of the  
77 manager. Nothing in this subdivision shall prevent the operator of a child-care facility in a  
78 family home from owning or possessing a firearm or a driver's license or nondriver's license  
79 containing a concealed carry endorsement;

80 (12) Any riverboat gambling operation accessible by the public without the consent of  
81 the owner or manager pursuant to rules promulgated by the gaming commission. Possession of  
82 a firearm in a vehicle on the premises of a riverboat gambling operation shall not be a criminal  
83 offense so long as the firearm is not removed from the vehicle or brandished while the vehicle  
84 is on the premises;

85 (13) Any gated area of an amusement park. Possession of a firearm in a vehicle on the  
86 premises of the amusement park shall not be a criminal offense so long as the firearm is not  
87 removed from the vehicle or brandished while the vehicle is on the premises;

88 (14) Any church or other place of religious worship without the consent of the minister  
89 or person or persons representing the religious organization that exercises control over the place  
90 of religious worship. Possession of a firearm in a vehicle on the premises shall not be a criminal  
91 offense so long as the firearm is not removed from the vehicle or brandished while the vehicle  
92 is on the premises;

93 (15) Any private property whose owner has posted the premises as being off-limits to  
94 concealed firearms by means of one or more signs displayed in a conspicuous place of a  
95 minimum size of eleven inches by fourteen inches with the writing thereon in letters of not less  
96 than one inch. The owner, business or commercial lessee, manager of a private business  
97 enterprise, or any other organization, entity, or person may prohibit persons holding a concealed  
98 carry endorsement from carrying concealed firearms on the premises and may prohibit  
99 employees, not authorized by the employer, holding a concealed carry endorsement from  
100 carrying concealed firearms on the property of the employer. If the building or the premises are  
101 open to the public, the employer of the business enterprise shall post signs on or about the  
102 premises if carrying a concealed firearm is prohibited. Possession of a firearm in a vehicle on

103 the premises shall not be a criminal offense so long as the firearm is not removed from the  
104 vehicle or brandished while the vehicle is on the premises. An employer may prohibit employees  
105 or other persons holding a concealed carry endorsement from carrying a concealed firearm in  
106 vehicles owned by the employer;

107 (16) Any sports arena or stadium with a seating capacity of five thousand or more.  
108 Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the  
109 firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

110 (17) Any hospital accessible by the public. Possession of a firearm in a vehicle on the  
111 premises of a hospital shall not be a criminal offense so long as the firearm is not removed from  
112 the vehicle or brandished while the vehicle is on the premises.

113 2. Carrying of a concealed firearm in a location specified in subdivisions (1) to (17) of  
114 subsection 1 of this section by any individual who holds a concealed carry endorsement issued  
115 pursuant to sections 571.101 to 571.121 shall not be a criminal act but may subject the person  
116 to denial to the premises or removal from the premises. If such person refuses to leave the  
117 premises and a peace officer is summoned, such person may be issued a citation for an amount  
118 not to exceed one hundred dollars for the first offense. If a second citation for a similar violation  
119 occurs within a six-month period, such person shall be fined an amount not to exceed two  
120 hundred dollars and his or her endorsement to carry concealed firearms shall be suspended for  
121 a period of one year. If a third citation for a similar violation is issued within one year of the first  
122 citation, such person shall be fined an amount not to exceed five hundred dollars and shall have  
123 his or her concealed carry endorsement revoked and such person shall not be eligible for a  
124 concealed carry endorsement for a period of three years. Upon conviction of charges arising  
125 from a citation issued pursuant to this subsection, the court shall notify the sheriff of the county  
126 which issued the certificate of qualification for a concealed carry endorsement and the  
127 department of revenue. The sheriff shall suspend or revoke the certificate of qualification for  
128 a concealed carry endorsement and the department of revenue shall issue a notice of such  
129 suspension or revocation of the concealed carry endorsement and take action to remove the  
130 concealed carry endorsement from the individual's driving record. The director of revenue shall  
131 notify the licensee that he or she must apply for a new license pursuant to chapter 302, RSMo,  
132 which does not contain such endorsement. A concealed carry endorsement suspension pursuant  
133 to sections 571.101 to 571.121 shall be reinstated at the time of the renewal of his or her driver's  
134 license. The notice issued by the department of revenue shall be mailed to the last known  
135 address shown on the individual's driving record. The notice is deemed received three days after  
136 mailing.

2 [214.290. Any cemetery operator who within ninety days from the  
3 effective date of sections 214.270 to 214.410 elects to operate a cemetery which  
exists on the effective date of sections 214.270 to 214.410 as an endowed care

4 cemetery or who represents to the public that perpetual, permanent, endowed,  
5 continual, eternal care, care of duration or similar care will be furnished cemetery  
6 property sold, shall before selling or disposing of any interment space or lots in  
7 said cemetery after the date of such election, establish a minimum endowed care  
8 and maintenance fund in cash in the amount required by section 214.300 unless  
9 an endowed care fund is already in existence to which regular deposits have been  
10 made (whether or not the fund then existing shall be in the minimum amount  
11 required under section 214.300).]

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