

SECOND REGULAR SESSION

HOUSE BILL NO. 1770

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE JONES (117).

5811L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 333.325, RSMo, and to enact in lieu thereof one new section relating to the sale of preneed funeral contracts.

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

Section A. Section 333.325, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 333.325, to read as follows:

333.325. 1. No person shall sell, negotiate, or solicit the sale of preneed contracts for, or on behalf of, a seller unless registered with the board as a preneed agent except for individuals who are licensed as funeral directors under this chapter. The board shall maintain a registry of all preneed agents registered with the board. The registry shall be deemed an open record and made available on the board's website.

2. An applicant for a preneed agent registration shall be an individual who shall:

(1) File an application on a form established by the board and pay an application fee in an amount established by the board by rule which shall not exceed fifty percent of the application fee established by the board under this chapter for a funeral director license;

(2) Be eighteen years of age or older;

(3) Be otherwise eligible for registration under section 333.330;

(4) Have successfully passed the Missouri law examination as designated by the board;

(5) Provide the name and address of each seller for whom the applicant is authorized to sell, negotiate, or solicit the sale of preneed contracts for, or on behalf of; **and**

(6) On and after August 28, 2015, hold a valid Missouri funeral director's license.

All persons holding a preneed agent registration prior to August 28, 2015, shall continue

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.

17 **to hold, renew, and reinstate their registration as set out in this chapter as it existed on**
18 **August 27, 2015.**

19 3. Each preneed agent shall apply to renew his or her registration on or before October
20 thirty-first of each year or a date established by the division of professional registration pursuant
21 to section 324.001. A registration which has not been renewed prior to the renewal date shall
22 expire. Applicants for renewal shall:

23 (1) File an application for renewal on a form established by the board by rule;

24 (2) Pay a renewal fee in an amount established by the board by rule which shall not
25 exceed fifty percent of the application fee established by the board under this chapter for a
26 funeral director license renewal; and

27 (3) Provide the name and address of each seller for whom the preneed agent is authorized
28 to sell, negotiate, or solicit the sale of preneed contracts for or on behalf of.

29 4. Any funeral director acting as a preneed agent shall be required to report the name and
30 address of each preneed seller for whom the funeral director is authorized to sell, negotiate, or
31 solicit the sale of preneed contracts as part of their biennial renewal form. Each funeral director
32 preneed agent shall be included on the board's registry.

33 5. Any registration which has not been renewed as provided by this section shall expire
34 and the registrant shall be immediately removed from the preneed agent registry by the board.
35 A registrant who fails to apply for renewal may apply for reinstatement within two years of the
36 renewal date by satisfying the requirements of subsection 3 of this section and paying a
37 delinquent fee as established by the board.

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