

SECOND REGULAR SESSION  
HOUSE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 1195**  
**92ND GENERAL ASSEMBLY**

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Taken up for Perfection April 14, 2004. House Substitute for House Committee Substitute for House Bill 1195 ordered Perfected and printed as amended.

STEPHEN S. DAVIS, Chief Clerk

3944L.06P

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**AN ACT**

To repeal sections 209.309, 209.321, 209.322, 209.323, 317.011, 324.200, 324.203, 324.205, 324.210, 324.215, 324.400, 324.403, 324.409, 324.415, 324.418, 324.421, 324.427, 324.430, 324.433, 328.080, 332.086 334.530, 334.540, 334.550, 334.655, 334.660, 334.665, 335.212, 335.245, 337.085, 337.507, 337.615, 337.665, 337.712, 339.010, 339.020, 339.030, 339.040, 339.060, 339.100, 339.105, 339.120, 339.130, 339.150, 339.160, 339.170, 339.180, 339.600, 339.603, 339.605, 339.606, 339.607, 339.608, 339.610, 339.612, 339.614, 339.617, 339.710, 339.760, 339.780, 339.800, 345.015, 346.135, 436.200, 436.205, 436.209, 436.212, 544.650 620.127, and 620.145, RSMo, and to enact in lieu thereof eighty-one new sections relating to professional registration, with penalty provisions.

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

Section A. Sections 209.309, 209.321, 209.322, 209.323, 317.011, 324.200, 324.203,  
2 324.205, 324.210, 324.215, 324.400, 324.403, 324.409, 324.415, 324.418, 324.421, 324.427,  
3 324.430, 324.433, 328.080, 332.086 334.530, 334.540, 334.550, 334.655, 334.660, 334.665,  
4 335.212, 335.245, 337.085, 337.507, 337.615, 337.665, 337.712, 339.010, 339.020, 339.030,  
5 339.040, 339.060, 339.100, 339.105, 339.120, 339.130, 339.150, 339.160, 339.170, 339.180,  
6 339.600, 339.603, 339.605, 339.606, 339.607, 339.608, 339.610, 339.612, 339.614, 339.617,  
7 339.710, 339.760, 339.780, 339.800, 345.015, 346.135, 436.200, 436.205, 436.209, 436.212,  
8 544.650 620.127, and 620.145, RSMo, are repealed and eighty-one new sections enacted in lieu

**EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law. Matter in boldface type in the above law is proposed language.**

9 thereof, to be known as sections 209.309, 209.321, 209.322, 209.323, 317.011, 324.200,  
10 324.203, 324.205, 324.206, 324.210, 324.215, 324.216, 324.400, 324.402, 324.403, 324.409,  
11 324.415, 324.418, 324.421, 324.427, 324.430, 324.433, 324.526, 328.075, 328.080, 332.086,  
12 334.530, 334.540, 334.550, 334.655, 334.660, 334.665, 335.212, 335.245, 337.085, 337.507,  
13 337.615, 337.665, 337.712, 339.010, 339.020, 339.030, 339.040, 339.060, 339.100, 339.105,  
14 339.120, 339.130, 339.150, 339.160, 339.170, 339.180, 339.710, 339.760, 339.780, 339.800,  
15 345.015, 346.135, 374.695, 436.215, 436.218, 436.221, 436.224, 436.227, 436.230, 436.233,  
16 436.236, 436.239, 436.242, 436.245, 436.248, 436.251, 436.254, 436.257, 436.260, 436.263,  
17 436.266, 436.269, 436.272, 620.127, and 620.145, to read as follows:

209.309. **1.** The board may offer provisional certification to interpreters achieving a  
2 minimal level of certification established by the board. A provisional certification is limited to  
3 one year; during such year the interpreter must be reevaluated and achieve the next higher level  
4 of certification. If an evaluation slot is not available during the term of the provisional license,  
5 the interpreter may be granted an extension. A holder of a provisional certification may only be  
6 granted one extension. **A person nominated by a local public school district in Missouri**  
7 **shall be granted a provisional public school certificate when all of the following conditions**  
8 **are met:**

9 **(1) The local school district certifies that it was unable to locate an interpreter**  
10 **certified and licensed under sections 209.319 to 209.339 and otherwise acceptable to the**  
11 **local school district for employment, to accept the position;**

12 **(2) The local school district certifies that the person has demonstrated the skills**  
13 **necessary for the assignment to the satisfaction of the local school district;**

14 **(3) The local school district certifies that failure to employ the person would to the**  
15 **best of their knowledge result in noncompliance with applicable state or federal statutes**  
16 **or regulations; and**

17 **(4) The person nominated certifies that he or she shall begin the application process**  
18 **for the certification and licensure requisite under sections 209.319 to 209.339 within ninety**  
19 **days.**

20 **2. Provisional public school certificates shall be issued within seventy-two hours of**  
21 **application containing the above certifications and shall remain valid for eighteen months**  
22 **or until the person obtains the certification and licensure otherwise required under sections**  
23 **209.319 to 209.339.**

24 **3. Provisional public school certificates may be revoked when the person ends his**  
25 **or her employment with the school district or if the person commits any of the actions listed**  
26 **in subsections 1 to 5 of section 209.317.**

209.321. **1.** No person shall represent himself or herself as an interpreter or engage in

2 the practice of interpreting as defined in section 209.285 **as provided in subsection 6 of this**  
3 **section** in the state of Missouri unless such person is licensed as required by the provisions of  
4 sections 209.319 to 209.339.

5 2. A person registered, certified or licensed by this state, another state or any recognized  
6 national certification agent, acceptable to the committee that allows that person to practice any  
7 other occupation or profession in this state, is not considered to be interpreting if he or she is in  
8 performance of the occupation or profession for which he or she is registered, certified or  
9 licensed. The professions referred to in this subsection include, but are not limited to,  
10 physicians, psychologists, nurses, certified public accountants, architects and attorneys.

11 3. A licensed interpreter shall limit his or her practice to demonstrated areas of  
12 competence as documented by relevant professional education, training, experience and  
13 certification. An interpreter not trained in an area shall not practice in that area without obtaining  
14 additional relevant professional education, training and experience through an acceptable  
15 program as defined by rule by the Missouri commission for the deaf and hard of hearing.

16 4. A person is not considered to be interpreting pursuant to the provisions of this section  
17 if, in a casual setting and as defined by rule, a person is acting as an interpreter gratuitously or  
18 is engaged in interpreting incidental to traveling.

19 5. A person is not considered to be interpreting pursuant to the provisions of this section  
20 if a person is engaged as a telecommunications operator providing deaf relay service or operator  
21 services for the deaf.

22 **6. A person is not considered to be interpreting under the provisions of this section**  
23 **if the person is currently enrolled in an interpreter training program which has been**  
24 **accredited by a certifying agency and approved by the committee. The training program**  
25 **shall offer a degree in interpreting from an accredited institution of higher education.**  
26 **Persons exempted under this provision shall engage only in activities and services that**  
27 **constitute part of a supervised course of study and shall clearly designate themselves by a**  
28 **title of student, practicum student, student interpreter, trainee, or intern.**

29 7. A person holding a current certification of license from another state or a  
30 recognized national certification system deemed acceptable by the committee is not  
31 considered to be interpreting as defined in this chapter when temporarily present in the  
32 state for the purpose of providing interpreting services for a convention, conference,  
33 meeting, professional group, or educational field trip.

34 8. A person granted a provisional certificate to interpret in a public school shall not  
35 be subject to the regular certification or licensure requirements of sections 209.319 to  
36 209.339.

209.322. The board shall recognize the following certificates:

2 (1) National Registry of Interpreters for the Deaf (NRID) certificates, which include  
3 Comprehensive Skills Certificate (CSC), Certificate of Interpreting/Certificate of Transliteration  
4 (CI/CT) and Certified Deaf Interpreter (CDI); [and]

5 (2) National Association of the Deaf (NAD) certificate levels 3, 4 and 5; **and**

6 **(3) A provisional public school certificate.**

209.323. 1. Applications for licensure as an interpreter shall be submitted to the division  
2 on forms prescribed by the division and furnished to the applicant. The application shall contain  
3 the applicant's statements showing the applicant's education, certification by either the National  
4 Registry of Interpreters for the Deaf, National Association of the Deaf or Missouri Interpreter  
5 Certification System and such other information as the division may require. Each application  
6 shall contain a statement that it is made under oath or affirmation and that the information  
7 contained in the application is true and correct to the best knowledge and belief of the applicant,  
8 subject to the penalties, as provided in sections 209.319 to 209.339, for the making of a false  
9 affidavit or declaration. Each application shall be accompanied by the required application fee.  
10 The application fee must be submitted in a manner as required by the committee and shall not  
11 be refundable. The applicant must be eighteen years of age or older.

12 2. Each license issued pursuant to the provisions of sections 209.319 to 209.339 shall  
13 expire on the renewal date. The division shall mail a renewal notice to the last known address  
14 of each licensee prior to the [registration] **license** renewal date. The license will expire **and**  
15 **renewal may be denied** upon failure **of the licensee** to provide the division with the information  
16 required for [registration] **renewal including but not limited to satisfactory evidence of**  
17 **current certification** or to pay the required [registration] **renewal** fee within sixty days of the  
18 [registration] **license** renewal date. The license may be reinstated within two years after the  
19 [registration] **renewal** date, if the applicant applies for reinstatement and pays the required  
20 [registration] **license renewal** fee plus a delinquency fee as established by the committee **and**  
21 **provides evidence of current certification.**

22 3. Except as provided in section 209.321, the committee with assistance from the  
23 division shall issue or renew a license to each person who files an application and fee as required  
24 by the provisions of sections 209.319 to 209.339 and who furnishes satisfactory evidence to the  
25 committee that he has complied with the provisions of subsection 1 or 2 of this section.

26 4. The committee may issue a new license to replace any license which is lost, destroyed  
27 or mutilated upon payment of a fee as provided by the committee.

317.011. 1. The division of professional registration shall have the power, and it shall  
2 be its duty, to accept application for and issue permits to hold professional boxing, sparring,  
3 professional wrestling, professional kickboxing or professional full-contact karate contests in the  
4 state of Missouri, and to charge a fee for the issuance of same in an amount established by rule;

5 such funds to be paid to the division of professional registration which shall pay such funds into  
6 the state treasury to be set apart into the athletic fund.

7         2. The provisions of section 33.080, RSMo, to the contrary notwithstanding, money in  
8 this fund shall not be transferred and placed to the credit of general revenue until the amount in  
9 the fund at the end of the biennium exceeds two times the amount of the appropriation from the  
10 fund for the preceding fiscal year **or, if the division requires by rule renewal less frequently**  
11 **than yearly then three times the appropriation from the fund for the preceding fiscal year.**  
12 The amount, if any, in the fund which shall lapse is that amount in the fund which exceeds the  
13 appropriate multiple of the appropriations from the fund for the preceding fiscal year.

14         3. The division of professional registration shall not grant any permit to hold professional  
15 boxing, sparring, professional wrestling, professional kickboxing or professional full-contact  
16 karate contests in the state of Missouri except:

17         (1) Where such professional boxing, sparring, professional wrestling, professional  
18 kickboxing or professional full-contact karate contest is to be held under the auspices of a  
19 promoter duly licensed by the division;

20         (2) Where such contest shall be of not more than fifteen rounds of three minutes each  
21 duration per bout; and

22         (3) Where a fee has been paid for such permit, in an amount established by rule.

23         4. In such contests a decision shall be rendered by three judges licensed by the division.

24

25         5. Specifically exempted from the provisions of chapter 317, are contests or exhibitions  
26 for amateur boxing, amateur kick-boxing, amateur wrestling and amateur full-contact karate.  
27 However, all amateur boxing, amateur kickboxing, amateur wrestling and amateur full-contact  
28 karate must be sanctioned by a nationally recognized amateur sanctioning body approved by the  
29 office.

324.200. 1. Sections 324.200 to 324.225 shall be known and may be cited as the  
2 "Dietitian Practice Act".

3         2. As used in sections 324.200 to 324.225, the following terms shall mean:

4         (1) ["Committee", the state committee of dietitians;

5         (2) "Dietitian", a health care professional engaged in the practice of medical nutrition  
6 therapy;

7         (3) "Director", the director of the division of professional registration in the department  
8 of economic development;

9         (4) "Division", the division of professional registration of the department of economic  
10 development;

11         (5) "Licensed dietitian", a person who is licensed pursuant to the provisions of sections

12 324.200 to 324.225 to engage in the practice of medical nutrition therapy;

13 (6) "Medical nutrition therapy", specific medical nutrition therapies and treatment  
14 modalities based on clinical scientific research and practice that are used to treat illness,  
15 conditions and injuries and are referred by a person licensed in this state to prescribe medical  
16 nutrition therapies and modalities. Medical nutrition therapy includes clinical nutrition  
17 assessment, diet modification and intensive intervention and administration of specialized  
18 nutrition therapies.] **"Commission on Accreditation for Dietetics Education (CADE)", the**  
19 **American Dietetic Association's accrediting agency for education programs preparing**  
20 **students for professions as registered dietitians;**

21 (2) **"Committee", the state committee of dietitians established in section 324.203;**

22 (3) **"Dietetics Practice", the application of principles derived from integrating**  
23 **knowledge of food, nutrition, biochemistry, physiology, management, and behavioral and**  
24 **social science to achieve and maintain the health of people by providing nutrition**  
25 **assessment and nutrition care services. The primary function of dietetic practice is the**  
26 **provision of nutrition care services that shall include, but not be limited to:**

27 (a) **Assessing the nutrition needs of individuals and groups and determining**  
28 **resources and constraints in the practice setting;**

29 (b) **Establishing priorities, goals, and objectives that meet nutrition needs and are**  
30 **consistent with available resources and constraints;**

31 (c) **Providing nutrition counseling or education in health and disease;**

32 (d) **Developing, implementing, and managing nutrition care systems;**

33 (e) **Evaluating, making changes in, and maintaining appropriate standards of**  
34 **quality and safety in food and in nutrition services;**

35 (f) **Engaged in medical nutritional therapy as defined in subsection 8 of this section;**

36 (4) **"Dietitian", one engaged in dietetic practice as defined in subsection 3 of this**  
37 **section;**

38 (5) **"Director", the director of the division of professional registration in the**  
39 **department of economic development;**

40 (6) **"Division", the division of professional registration of economic development;**

41 (7) **"Licensed dietitian", a person who is licensed pursuant to the provisions of**  
42 **sections 324.200 to 324.225 to engage in the practice of dietetics or medical nutrition**  
43 **therapy;**

44 (8) **"Medical nutrition therapy", nutritional diagnostic, therapy, and counseling**  
45 **services which are furnished by a registered dietitian;**

46 (9) **"Registered dietitian", a person who:**

47 (a) **Has completed a minimum of a baccalaureate degree granted by a United States**

- 48 **regionally accredited college or university or foreign equivalent;**  
49 **(b) Completed the academic requirements of a didactic program in dietetics, as**  
50 **approved by CADE;**  
51 **(c) Successfully completed the registration examination for dietitians; and**  
52 **(d) Accrued seventy-five hours of approved continuing professional units every five**  
53 **years;**  
54  
55 **as determined by the committee on dietetic registration.**

324.203. 1. There is hereby [established] **created within the division of professional**  
2 **registration, a committee to be known as** the "State Committee of Dietitians" [which shall  
3 guide, advise and make recommendations to the division and fulfill other responsibilities  
4 designated by sections 324.200 to 324.225. The committee shall approve the examination  
5 required by section 324.210 and shall assist the division in carrying out the provisions of sections  
6 324.200 to 324.225]. **The committee shall assist the division in administering and enforcing**  
7 **the provisions of sections 324.200 to 324.225, adopt, publish, and enforce such rules and**  
8 **regulations within the scope and purview of the provisions of sections 324.200 to 324.225**  
9 **as may be considered to be necessary or proper for the effective administration and**  
10 **interpretation of the provisions of sections 324.200 to 324.225, and for the conduct of its**  
11 **business and management of its internal affairs.**

12 **2. The committee shall approve the examination required by section 324.210.**

13 **3.** The committee shall consist of six members including one public member, appointed  
14 by the governor with the advice and consent of the senate. Each member of the committee shall  
15 be a citizen of the United States and a resident of this state, and, except as provided in this  
16 section and except for the first members appointed, shall be licensed as a dietitian by this state.  
17 Beginning with the first appointments made after August 28, 1998, two members shall be  
18 appointed for four years, two members shall be appointed for three years and two members shall  
19 be appointed for two years. Thereafter, all members shall be appointed to serve four-year terms.  
20 No person shall be eligible for reappointment who has served as a member of the committee for  
21 a total of eight years. The membership of the committee shall reflect the differences in levels  
22 of education and work experience with consideration being given to race, gender, and ethnic  
23 origins. No more than three members shall be from the same political party. The membership  
24 shall be representative of the various geographic regions of the state.

25 [3.] **4.** A vacancy in the office of a member shall be filled by appointment by the  
26 governor for the remainder of the unexpired term.

27 [4.] **5.** Each member of the committee shall receive as compensation an amount set by  
28 the division not to exceed fifty dollars, and shall be reimbursed for necessary and actual expenses

29 incurred in the performance of the member's official duties. The director, in collaboration with  
30 the department of economic development, shall establish by rule, guidelines for payment. All  
31 staff for the committee shall be provided by the division.

32 [5.] 6. The committee shall hold an annual meeting at which it shall elect from its  
33 membership a chairperson and secretary. The committee may hold such additional meetings as  
34 may be required in the performance of its duties, provided that notice of every meeting shall be  
35 given to each member at least three days prior to the date of the meeting. A quorum of the  
36 committee shall consist of a majority of its members.

37 [6.] 7. The governor may remove a committee member for misconduct, incompetency,  
38 neglect of the member's official duties, or for cause.

39 [7.] 8. The public member shall be at the time of the person's appointment a citizen of  
40 the United States; a resident of this state for a period of one year and a registered voter; a person  
41 who is not and never was a member of any profession licensed or regulated by sections 324.200  
42 to 324.225, or the spouse of such a person; and a person who does not have and never has had  
43 a material financial interest in either the providing of the professional services regulated by  
44 sections 324.200 to 324.225, or an activity or organization directly related to any profession  
45 licensed or regulated by sections 324.200 to 324.225. The duties of the public member shall not  
46 include the determination of the technical requirements to be met for licensure or whether any  
47 person meets such technical requirements or of the technical competence or technical judgment  
48 of a licensee or a candidate for licensure.

324.205. 1. [After July 1, 2000, no person may use the title licensed dietitian or L.D. in  
2 this state unless the person is licensed pursuant to the provisions of sections 324.200 to 324.225.

3

4 2. Any person who violates the provisions of subsection 1 of this section is guilty of an  
5 infraction.] **Any person who holds a license to practice dietetics in this state may use the title**  
6 **"Dietitian" or the abbreviation "L.D.". No other person may use the title "Dietitian" or**  
7 **the abbreviation "L.D.". No other person shall assume any title or use any title or use any**  
8 **abbreviation or any other words, letters, signs, or devices to indicate that the person using**  
9 **the same is a licensed dietitian.**

10 2. **No person shall practice or offer to practice dietetics in this state for**  
11 **compensation or use any title, sign, abbreviation, card, or device to indicate that such**  
12 **person is practicing dietetics unless he or she has been duly licensed pursuant to the**  
13 **provisions of sections 324.200 to 324.225.**

14 3. **Any person who violates the provisions of subsection 1 of this section is guilty of**  
15 **a class A misdemeanor.**

16 324.206. **As long as the person involved does not represent or hold himself or**



17 herself out as a dietitian as defined by subdivision (2) of subsection 2 of section 324.200,  
18 nothing in sections 324.200 to 324.225 is intended to limit, preclude, or otherwise interfere  
19 with:

20 (1) Self-care by a person or gratuitous care by a friend or family member;

21 (2) Persons in the military services or working in federal facilities from performing  
22 any activities described in sections 324.200 to 324.225 during the course of their assigned  
23 duties in the military service or a federal facility;

24 (3) A licensed healthcare provider performing any activities described in sections  
25 324.200 to 324.225 that are within the scope of practice of the licensee;

26 (4) A person pursuing an approved educational program leading to a degree or  
27 certificate in dietetics at an accredited or approved educational program as long as such  
28 person does not provide dietetic services outside the educational program. Such person  
29 shall be designated by a title that clearly indicates the person's status as a student;

30 (5) Individuals who do not hold themselves out as dietitians marketing or  
31 distributing food products including dietary supplements as defined by the Food and Drug  
32 Administration or engaging in the explanation and education of customers regarding the  
33 use of such products;

34 (6) Any person furnishing general nutrition information as to the use of food, food  
35 materials, or dietary supplements, nor prevent in any way the free dissemination of  
36 literature; provided, however, no such individual may call himself or herself a dietitian  
37 unless he or she is licensed under this chapter.

324.210. 1. An applicant for licensure as a dietitian shall be at least twenty-one years  
2 of age.

3 2. Each applicant shall furnish evidence to the committee that:

4 (1) The applicant has completed a didactic program in dietetics which is approved or  
5 accredited by the commission on [accreditation/approval for dietetic education] **accreditation**  
6 **for dietetics education** and a minimum of a baccalaureate degree from an acceptable  
7 educational institution accredited by a regional accrediting body or accredited by an accrediting  
8 body which has been approved by the United States Department of Education. Applicants who  
9 have obtained their education outside of the United States and its territories must have their  
10 academic degrees validated as equivalent to the baccalaureate or master's degree conferred by  
11 a regionally accredited college or university in the United States. Validation of a foreign degree  
12 does not eliminate the need for a verification statement of completion of a didactic program in  
13 dietetics;

14 (2) The applicant has completed a supervised practice requirement from an institution  
15 that is certified by a nationally recognized professional organization as having a dietetics

16 specialty or who meets criteria for dietetics education established by the committee. The  
17 committee may specify those professional organization certifications which are to be recognized  
18 and may set standards for education training and experience required for those without such  
19 specialty certification to become dietitians.

20 3. The applicant shall successfully pass an examination as determined by the committee.  
21 The committee may waive the examination requirement and grant licensure to an applicant for  
22 a license as a dietitian who presents satisfactory evidence to the committee of current registration  
23 as a dietitian with the commission on dietetic registration.

24 4. Prior to July 1, 2000, a person may apply for licensure without examination and shall  
25 be exempt from the academic requirements of this section if the committee is satisfied that the  
26 applicant has a bachelor's degree in a program approved by the committee and has work  
27 experience approved by the committee.

28 5. The committee may determine the type of documentation needed to verify that an  
29 applicant meets the qualifications provided in subsection 3 of this section.

324.215. 1. The committee shall issue a license to each candidate who files an  
2 application and pays the fee as required by the provisions of sections 324.200 to 324.225 and  
3 who furnishes evidence satisfactory to the committee that the candidate has complied with the  
4 provisions of section 324.210 or with the provisions of subsection 2 of this section.

5 2. The committee may issue a license to any dietitian who has a valid current license to  
6 practice **dietetics or** medical nutrition therapy in any jurisdiction, provided that such person is  
7 licensed in a jurisdiction whose requirements for licensure are substantially equal to, or greater  
8 than, the requirements for licensure of dietitians in Missouri at the time the applicant applies for  
9 licensure.

10 3. The committee may not allow any person to sit for the examination for licensure as  
11 a dietitian in this state who has failed the examination as approved by the committee three times,  
12 until the applicant submits evidence of satisfactory completion of additional course work or  
13 experience and has been approved by the committee for reexamination.

**324.216. 1. A licensed dietitian may choose not to renew his or her license and  
2 thereby allow such license to lapse, or may ask to be put on inactive status, provided such  
3 person does not practice dietetics during such period that the license is lapsed or the  
4 practitioner is on inactive status. If a person with a lapsed license desires to resume the  
5 practice of dietetics, the person shall apply for licensure pursuant to the licensing  
6 requirements in effect at the time the person applies to resume the practice of dietetics and  
7 pay the required fee as established by the committee. If the person desires to maintain  
8 such license on an inactive status and in order to avoid lapsing of such license, the person  
9 shall pay the required fee as established by the committee for maintaining an inactive**

10 **license. An inactive license shall be renewed biennially. An inactive license may be**  
11 **reactivated by the committee as provided by rule.**

12 **2. Any person who practices as a dietitian during the time his or her license is**  
13 **inactive or lapsed shall be considered an illegal practitioner and shall be subject to the**  
14 **penalties for violation of the dietitian practice act.**

324.400. As used in sections 324.400 to 324.439, the following terms mean:

2 (1) "Council", the interior design council created in section 324.406;

3 (2) "Department", the department of economic development;

4 (3) "Division", the division of professional registration of the department of economic  
5 development;

6 (4) "Registered [commercial] interior designer", a design professional who provides  
7 services including preparation of documents and specifications relative to nonload bearing  
8 interior construction, furniture, finishes, fixtures and equipment and who meets the criteria of  
9 education, experience and examination as provided in sections 324.400 to 324.439.

**324.402. The state or any county, municipality, or other political subdivision shall**  
2 **not require the use of a registered interior designer for any residential building, residential**  
3 **remodeling, residential rehabilitation, or residential construction purposes.**

324.403. No person may use the name or title, registered [commercial] interior designer,  
2 in this state unless that person is registered as required by sections 324.400 to 324.439. Nothing  
3 in sections 324.400 to 324.439 shall be construed as limiting or preventing the practice of a  
4 person's profession or restricting a person from providing interior design services, provided such  
5 person does not indicate to the public that such person is registered as an interior designer  
6 pursuant to the provisions of sections 324.400 to 324.439.

324.409. 1. To be a registered [commercial] interior designer, a person:

2 (1) Shall take and pass or have passed the examination administered by the National  
3 Council for Interior Design Qualification or an equivalent examination approved by the council.  
4 In addition to proof of passage of the examination, the application shall provide substantial  
5 evidence to the council that the applicant:

6 (a) Is a graduate of a five-year or four-year interior design program from an accredited  
7 institution and has completed at least two years of diversified and appropriate interior design  
8 experience; or

9 (b) Has completed at least three years of an interior design curriculum from an accredited  
10 institution and has completed at least three years of diversified and appropriate interior design  
11 experience; or

12 (c) Is a graduate of a two-year interior design program from an accredited institution and  
13 has completed at least four years of diversified and appropriate interior design experience; or

14 (2) May qualify who is currently registered pursuant to sections 327.091 to 327.171,  
15 RSMo, and section 327.401, RSMo, pertaining to the practice of architecture and registered with  
16 the council. Such applicant shall give authorization to the council in order to verify current  
17 registration with sections 327.091 to 327.171, RSMo, and section 327.401, RSMo, pertaining  
18 to the practice of architecture.

19 2. Verification of experience required pursuant to this section shall be based on a  
20 minimum of five client references, business or employment verification and five industry  
21 references, submitted to the council.

22 3. The council shall verify if an applicant has complied with the provisions of this  
23 section and has paid the required fees, then the council shall recommend such applicant be  
24 registered as a registered [commercial] interior designer by the council.

324.415. Applications for registration as a registered [commercial] interior designer shall  
2 be typewritten on forms prescribed by the division and furnished to the applicant. The  
3 application shall contain the applicant's statements showing the applicant's education, experience,  
4 results of previous interior design certification, registration or licensing examinations, if any, and  
5 such other pertinent information as the council may require, or architect's registration number  
6 and such other pertinent information as the council may require. Each application shall contain  
7 a statement that is made under oath or affirmation and that the representations are true and  
8 correct to the best knowledge and belief of the person signing the application. The person shall  
9 be subject to the penalties for making a false affidavit or declaration and shall be accompanied  
10 by the required fee.

324.418. 1. The certificate of registration issued biennially to a registered [commercial]  
2 interior designer pursuant to sections 324.400 to 324.439 shall be renewed on or before the  
3 certificate renewal date accompanied by the required fee. The certificate of registration of a  
4 registered [commercial] interior designer which is not renewed within three months after the  
5 certificate renewal date shall be suspended automatically, subject to the right of the holder to  
6 have the suspended certificate of registration reinstated within nine months of the date of  
7 suspension if the person pays the required reinstatement fee. Any certificate of registration  
8 suspended and not reinstated within nine months of the suspension date shall expire and be void  
9 and the holder of such certificate shall have no rights or privileges provided to holders of valid  
10 certificates. Any person whose certificate of registration has expired may, upon demonstration  
11 of current qualifications and payment of required fees, be reregistered or reauthorized under the  
12 person's original certificate of registration number.

13 2. Each application for the renewal or reinstatement of a registration shall be on a form  
14 furnished to the applicant and shall be accompanied by the required fees and proof of current  
15 completion of at least one unit every two years of approved or verifiable continuing education

16 in interior design or architecture, immediately prior to such renewal or reinstatement. Ten  
17 contact hours constitutes one continuing education unit. Five contact hours of teaching in  
18 interior design or architecture constitutes one continuing education unit. One college course  
19 credit in interior design or architecture constitutes one continuing education unit.

324.421. The council shall register without examination, any interior designer certified,  
2 licensed or registered in another state or territory of the United States or foreign country if the  
3 applicant has qualifications which are at least equivalent to the requirements for registration as  
4 a registered [commercial] interior designer in this state and such applicant pays the required fees.  
5

324.427. It is unlawful for any person to advertise or indicate to the public that the  
2 person is a registered [commercial] interior designer in this state, unless such person is registered  
3 as a registered [commercial] interior designer by the council and is in good standing pursuant to  
4 sections 324.400 to 324.439.

324.430. No person may use the designation registered [commercial] interior designer  
2 in Missouri, unless the council has issued a current certificate of registration certifying that the  
3 person has been duly registered as a registered [commercial] interior designer in Missouri and  
4 unless such registration has been renewed or reinstated as provided in section 324.418.

324.433. The right to use the title of registered [commercial] interior designer shall be  
2 deemed a personal right, based upon the qualifications of the individual, evidenced by the  
3 person's current certificate of registration and such certificate is not transferable; except that, a  
4 registered [commercial] interior designer may perform the interior designer's profession through,  
5 or as a member of, or as an employee of, a partnership or corporation.

**324.526. 1. Notwithstanding any other law to the contrary, the director of the  
2 division of professional registration shall issue a temporary license to practice tattooing,  
3 body piercing, or branding under the following requirements:**

4 **(1) The applicant for temporary licensure is entering the state for the sole purpose  
5 of participating in a state or national convention at which the applicant will be practicing  
6 the profession of tattooing, body piercing, or branding;**

7 **(2) The applicant files a completed application with the division at least two days  
8 prior to the start of the convention and tenders a fee of fifty dollars; and**

9 **(3) The applicant is otherwise qualified for licensure under sections 324.520 to  
10 324.526 and the rule promulgated under the authority of this statute.**

11 **2. A temporary license to practice tattooing, body piercing, or branding issued  
12 under this section shall be valid for a period not to exceed fourteen days and shall not be  
13 renewable.**

14 **3. Notwithstanding the requirements of sections 620.127 and 620.145, RSMo, an**

15 **applicant for temporary licensure under this section shall not be required to provide a**  
16 **Social Security number if the application is submitted by a citizen of a foreign country who**  
17 **has not yet been issued a Social Security number and who previously has not been licensed**  
18 **by any other state, United States territory, or federal agency. A citizen of a foreign country**  
19 **who applies for a temporary permit under this section shall provide the division of**  
20 **professional registration with his or her visa or passport identification number in lieu of**  
21 **the Social Security number.**

**328.075. 1. Any person desiring to practice as an apprentice for barbering in this**  
2 **state shall apply to the board, registered as an apprentice with the board, and shall pay the**  
3 **appropriate fees prior to beginning their apprenticeship. Barber apprentices shall be of**  
4 **good moral character and shall be at least seventeen years of age.**

5 **2. Any person desiring to act as an apprentice supervisor for barbering in this state**  
6 **shall first possess a license to practice the occupation of barbering, apply to the board, pay**  
7 **the appropriate fees, complete an eight-hour apprentice supervision instruction course**  
8 **certified by the board, and be issued a certificate of registration as a barber apprentice**  
9 **supervisor prior to supervising barber apprentices.**

10 **3. The board may promulgate rules establishing the criteria for the supervision and**  
11 **training of barber apprentices.**

12 **4. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,**  
13 **that is created under the authority delegated in this section shall become effective only if**  
14 **it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if**  
15 **applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**  
16 **and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,**  
17 **to review, to delay the effective date, or to disapprove and annul a rule are subsequently**  
18 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**  
19 **adopted after August 28, 2004, shall be invalid and void.**

20 **328.080. 1. Any person desiring to practice barbering in this state shall make application**  
21 **for a certificate to the board and shall pay the required barber examination fee. He or she shall**  
22 **be present at the next regular meeting of the board for the examination of applicants.**

23 **2. The board shall examine the applicant and, upon successful completion of the**  
24 **examination and payment of the required registration fee, shall issue to him or her a certificate**  
25 **of registration authorizing him or her to practice the trade in this state and enter his name in the**  
26 **register herein provided for, if it finds that he or she:**

27 **(1) Is seventeen years of age or older and of good moral character;**

28 **(2) Is free of contagious or infectious diseases;**

29 **(3) Has studied for at least one thousand hours in a period of not less than six months**

30 in a properly appointed and conducted barber school under the direct supervision of a licensed  
31 instructor; **or, if the applicant is an apprentice, the applicant shall have served and**  
32 **completed no less than two thousand hours under the direct supervision of a licensed**  
33 **barber apprentice supervisor;**

34 (4) Is possessed of requisite skill in the trade of barbering to properly perform the duties  
35 thereof, including the preparation of tools, shaving, haircutting and all the duties and services  
36 incident thereto; **and**

37 (5) Has sufficient knowledge of the common diseases of the face and skin to avoid the  
38 aggravation and spread thereof in the practice of barbering.

39 3. The board shall be the judge of whether the barber school, **the barber**  
40 **apprenticeship**, or college is properly appointed and conducted under proper instruction to give  
41 sufficient training in the trade.

42 **4. The sufficiency of the qualifications of applicants shall be determined by the**  
43 **board.**

44 **5. For the purposes of meeting the minimum requirements for examination, the**  
45 **apprentice training shall be recognized by the board for a period not to exceed five years.**

332.086. 1. There is hereby established a five-member "Advisory Commission for  
2 Dental Hygienists", composed of dental hygienists appointed by the governor as provided in  
3 subsection 2 of this section and the dental hygienist member of the Missouri dental board, which  
4 shall guide, advise and make recommendations to the Missouri dental board. The commission  
5 shall:

6 (1) Recommend the educational requirements to be registered as a dental hygienist;

7 (2) Annually review the practice act of dental hygiene;

8 (3) Make recommendations to the Missouri dental board regarding the practice,  
9 licensure, examination and discipline of dental hygienists; and

10 (4) Assist the board in any other way necessary to carry out the provisions of this chapter  
11 as they relate to dental hygienists.

12 2. The members of the commission shall be appointed by the governor with the advice  
13 and consent of the senate. Each member of the commission shall be a citizen of the United  
14 States and a resident of Missouri for one year and shall be a dental hygienist registered and  
15 currently licensed pursuant to this chapter. Members of the commission who are not also  
16 members of the Missouri dental board shall be appointed for terms of five years, except for the  
17 members first appointed, one of which shall be appointed for a term of two years, one shall be  
18 appointed for a term of three years, one shall be appointed for a term of four years and one shall  
19 be appointed for a term of five years. The dental hygienist member of the Missouri dental board  
20 shall become a member of the commission and shall serve a term concurrent with the member's

21 term on the dental board. All members of the initial commission shall be appointed by April 1,  
22 2002. Members shall be chosen from lists submitted by the director of the division of  
23 professional registration. Lists of dental hygienists submitted to the governor may include names  
24 submitted to the director of the division of professional registration by the president of the  
25 Missouri Dental Hygienists Association.

26 3. The commission shall hold an annual meeting at which it shall elect from its  
27 membership a chairperson and a secretary. The commission shall meet in conjunction with the  
28 dental board meetings or no more than fourteen days prior to regularly scheduled dental board  
29 meetings. Additional meetings shall require a majority vote of the commission. A quorum of  
30 the commission shall consist of a majority of its members.

31 4. Members of the commission shall [serve without] **receive as** compensation [but] **an**  
32 **amount set by the Missouri dental board not to exceed fifty dollars for each day devoted**  
33 **to the duties of the commission and** shall be reimbursed for all actual and necessary expenses  
34 incurred in the performance of their official duties on the commission and in attending meetings  
35 of the Missouri dental board. The Missouri dental board shall provide all necessary staff and  
36 support services as required by the commission to hold commission meetings, to maintain  
37 records of official acts, and to conduct all other business of the commission.

334.530. 1. A candidate for license to practice as a physical therapist shall be at least  
2 twenty-one years of age. A candidate shall furnish evidence of such person's good moral  
3 character and the person's educational qualifications by submitting satisfactory evidence of  
4 completion of a program of physical therapy education approved as reputable by the board. A  
5 candidate who presents satisfactory evidence of the person's graduation from a school of physical  
6 therapy approved as reputable by the American Medical Association or, if graduated before  
7 1936, by the American Physical Therapy Association, or if graduated after 1988, the Commission  
8 on Accreditation for Physical Therapy Education or its successor, is deemed to have complied  
9 with the educational qualifications of this subsection.

10 2. Persons desiring to practice as physical therapists in this state shall appear before the  
11 board at such time and place as the board may direct and be examined as to their fitness to  
12 engage in such practice. Applications for examination shall be in writing, on a form furnished  
13 by the board and shall include evidence satisfactory to the board that the applicant possesses the  
14 qualifications set forth in subsection 1 of this section. Each application shall contain a statement  
15 that it is made under oath or affirmation and that its representations are true and correct to the  
16 best knowledge and belief of the person signing the statement, subject to the penalties of making  
17 a false affidavit or declaration. [The board shall not issue a permanent license to practice as a  
18 physical therapist or allow any person to sit for the Missouri state board examination for physical  
19 therapists who has failed three or more times any physical therapist licensing examination



20 administered in one or more states or territories of the United States or the District of Columbia.]

21         3. The examination of qualified candidates for licenses to practice physical therapy shall  
22 include a written examination and shall embrace the subjects taught in reputable programs of  
23 physical therapy education, sufficiently strict to test the qualifications of the candidates as  
24 practitioners. [The examination shall be given by the board at least once each year and shall be  
25 administered to all candidates, and the examination given at any particular time shall be the same  
26 for all candidates and the same subjects shall be included and the same questions shall be asked.  
27 Candidates shall be required to achieve a passing score, as determined by the board, on an  
28 examination before being issued a license.]

29         4. The examination shall embrace, in relation to the human being, the subjects of  
30 anatomy, chemistry, kinesiology, pathology, physics, physiology, psychology, physical therapy  
31 theory and procedures as related to medicine, surgery and psychiatry, and such other subjects,  
32 including medical ethics, as the board deems useful to test the fitness of the candidate to practice  
33 physical therapy.

34         [5. Examination grades or scores shall be preserved by the board subject to public  
35 inspection. Examination papers retained by the board shall be subject to public inspection for  
36 a period of three years, after which they may be destroyed.]

334.540. 1. The board shall issue a license to any physical therapist who is licensed in  
2 another jurisdiction and who has had no violations, suspensions or revocations of a license to  
3 practice physical therapy in any jurisdiction, provided that, such person is licensed in a  
4 jurisdiction whose requirements are substantially equal to, or greater than, the requirements for  
5 licensure of physical therapists in Missouri at the time the applicant applies for licensure.

6         2. Every applicant for a license pursuant to this section, upon making application and  
7 showing the necessary qualifications as provided in subsection 1 of this section, shall be required  
8 to pay the same fee as the fee required to be paid by applicants who apply to take the  
9 examination before the board. Within the limits provided in this section, the board may  
10 negotiate reciprocal compacts with licensing boards of other states for the admission of licensed  
11 practitioners from Missouri in other states.

12         [3. Notwithstanding the provisions of subsections 1 and 2 of this section, the board shall  
13 not issue a license to any applicant who has failed three or more times any physical therapist  
14 licensing examination administered in one or more states or territories of the United States or the  
15 District of Columbia.]

334.550. [1. Upon the applicant paying a temporary license fee, the board shall issue  
2 without examination a temporary license to practice physical therapy for a period of time not to  
3 extend beyond the time when the results of the next examination are announced to any person  
4 who meets the qualifications of subsection 1 of section 334.530; provided that, the applicant has

5 not previously been examined in one or more states or territories of the United States or the  
6 District of Columbia. The temporary license may be renewed at the discretion of the board and  
7 payment of the temporary license fee.

8         2. The board may once renew a temporary license issued pursuant to this section if the  
9 licensee fails to sit for the next scheduled examination; provided that, the applicant shows good  
10 and exceptional cause for failing to sit for the examination. The applicant shall state the good  
11 and exceptional cause in writing and shall verify such statement by oath. The board shall define  
12 good and exceptional cause by rules and regulations.

13         3. The board may issue a temporary license to any first-time applicant for licensure by  
14 examination if such person submits an agreement-to-supervise form which is signed by the  
15 applicant's supervising physical therapist.] **An applicant who has not been previously**  
16 **examined in another jurisdiction and meets the qualifications of subsection 1 of section**  
17 **334.530, may pay a temporary license fee and submit an agreement-to-supervise form,**  
18 **which is signed by the applicant's supervising physical therapist, to the board and obtain**  
19 **without examination a nonrenewable temporary license.** Such temporary licensee may only  
20 engage in the practice of physical therapy under the supervision of a licensed physical therapist.  
21 The board shall define the scope of such supervision by rules and regulations. **The temporary**  
22 **license shall expire on either the date the applicant receives the results of the applicant's**  
23 **initial examination or within ninety days of its issuance, whichever occurs first.**

334.655. 1. A candidate for licensure to practice as a physical therapist assistant shall  
2 be at least nineteen years of age. A candidate shall furnish evidence of the person's good moral  
3 character and of the person's educational qualifications. The educational requirements for  
4 licensure as a physical therapist assistant are:

- 5         (1) A certificate of graduation from an accredited high school or its equivalent; and  
6         (2) Satisfactory evidence of completion of an associate degree program of physical  
7 therapy education accredited by the commission on accreditation of physical therapy education.

8  
9         2. Persons desiring to practice as a physical therapist assistant in this state shall appear  
10 before the board at such time and place as the board may direct and be examined as to the  
11 person's fitness to engage in such practice. Applications for examination shall be in writing, on  
12 a form furnished by the board and shall include evidence satisfactory to the board that the  
13 applicant possesses the qualifications provided in subsection 1 of this section. Each application  
14 shall contain a statement that the statement is made under oath of affirmation and that its  
15 representations are true and correct to the best knowledge and belief of the person signing the  
16 statement, subject to the penalties of making a false affidavit or declaration.

17         3. The examination of qualified candidates for licensure to practice as physical therapist

18 assistants shall embrace a written examination and which shall cover the curriculum taught in  
19 accredited associate degree programs of physical therapy assistant education. Such examination  
20 shall be sufficient to test the qualification of the candidates as practitioners. [The examination  
21 shall be given by the board at least once each year. The board shall not issue a license to practice  
22 as a physical therapist assistant or allow any person to sit for the Missouri state board  
23 examination for physical therapist assistants who has failed three or more times any physical  
24 therapist licensing examination administered in one or more states or territories of the United  
25 States or the District of Columbia. The examination given at any particular time shall be the  
26 same for all candidates and the same curriculum shall be included and the same questions shall  
27 be asked.]

28         4. The examination shall include, as related to the human body, the subjects of anatomy,  
29 kinesiology, pathology, physiology, psychology, physical therapy theory and procedures as  
30 related to medicine and such other subjects, including medical ethics, as the board deems useful  
31 to test the fitness of the candidate to practice as a physical therapist assistant.

32         5. [Examination grades or scores shall be preserved by the board subject to public  
33 inspection. Examination papers retained by the board shall be subject to public inspection for  
34 a period of three years and thereafter may be destroyed.

35         6.] The board shall license without examination any legally qualified person who is a  
36 resident of this state and who was actively engaged in practice as a physical therapist assistant  
37 on August 28, 1993. The board may license such person pursuant to this subsection until ninety  
38 days after the effective date of this section.

39         [7.] 6. A candidate to practice as a physical therapist assistant who does not meet the  
40 educational qualifications may submit to the board an application for examination if such person  
41 can furnish written evidence to the board that the person has been employed in this state for at  
42 least three of the last five years under the supervision of a licensed physical therapist and such  
43 person possesses the knowledge and training equivalent to that obtained in an accredited school.  
44 The board may license such persons pursuant to this subsection until ninety days after rules  
45 developed by the state board of healing arts regarding physical therapist assistant licensing  
46 become effective.

334.660. The board shall license without examination legally qualified persons who hold  
2 certificates of licensure, registration or certification in any state or territory of the United States  
3 or the District of Columbia, who have had no violations, suspensions or revocations of such  
4 license, registration or certification, if such persons have passed a written examination to practice  
5 as a physical therapist assistant that was substantially equal to the examination requirements of  
6 this state and in all other aspects, including education, the requirements for such certificates of  
7 licensure, registration or certification were, at the date of issuance, substantially equal to the

8 requirements for licensure in this state. [The board shall not issue a license to any applicant who  
9 has failed three or more times any physical therapist assistant licensing examination administered  
10 in one or more states or territories of the United States or the District of Columbia.] Every  
11 applicant for a license pursuant to this section, upon making application and providing  
12 documentation of the necessary qualifications as provided in this section, shall pay the same fee  
13 required of applicants to take the examination before the board. Within the limits of this section,  
14 the board may negotiate reciprocal contracts with licensing boards of other states for the  
15 admission of licensed practitioners from Missouri in other states.

334.665. [Upon the applicant paying a temporary fee, the board shall issue, without  
2 examination, a temporary license to practice as a physical therapist assistant for a period of time  
3 not to exceed beyond the time when the results of the next examination are announced to any  
4 person who meets the qualifications of section 334.655. The temporary license may be renewed  
5 at the discretion of the board and upon payment of a temporary license fee.] **An applicant who  
6 has not been previously examined in another jurisdiction and meets the qualifications of  
7 subsection 1 of section 334.655 may pay a temporary license fee and submit an agreement-  
8 to-supervise form which is signed by the applicant's supervising physical therapist to the  
9 board and obtain without examination a nonrenewable temporary license. Such  
10 temporary licensee may only practice under the supervision of a licensed physical  
11 therapist. The board shall define the scope of such supervision by rules and regulations.  
12 The temporary license shall expire on either the date the applicant receives the results of  
13 the applicant's initial examination or within ninety days of its issuance, whichever occurs  
14 first.**

335.212. As used in sections 335.212 to 335.242, the following terms mean:

- 2 (1) "Board", the Missouri state board of nursing;
- 3 (2) "Department", the Missouri department of health and senior services;
- 4 (3) "Director", director of the Missouri department of health and senior services;
- 5 (4) "Eligible student", a resident who has made application to be a full-time student in  
6 a formal course of instruction leading to an associate degree, a diploma, a bachelor of science,  
7 or a master of science in nursing or leading to the completion of educational requirements for  
8 a licensed practical nurse;
- 9 (5) "Participating school", an institution within this state which is approved by the board  
10 for participation in the professional and practical nursing student loan program established by  
11 sections 335.212 to 335.242, having a nursing department and offering a course of instruction  
12 based on nursing theory and clinical nursing experience;
- 13 (6) "Qualified applicant", an eligible student approved by the board for participation in  
14 the professional and practical nursing student loan program established by sections 335.212 to

15 335.242;

16 (7) "Qualified employment", employment on a full-time basis in Missouri in a position  
17 requiring licensure as a licensed practical nurse or registered professional nurse in any **hospital**  
18 **as defined in section 197.020, RSMo, or** public or nonprofit agency, institution, or organization  
19 located in an area of need as determined by the department of health and senior services. Any  
20 forgiveness of such principal and interest for any qualified applicant engaged in qualified  
21 employment on a less than full-time basis may be prorated to reflect the amounts provided in this  
22 section;

23 (8) "Resident", any person who has lived in this state for one or more years for any  
24 purpose other than the attending of an educational institution located within this state.

335.245. As used in sections 335.245 to 335.259, the following terms mean:

2 (1) "Department", the Missouri department of health and senior services;

3 (2) "Eligible applicant", a Missouri licensed nurse who has attained either an associate  
4 degree, a diploma, a bachelor of science, or graduate degree in nursing from an accredited  
5 institution approved by the board of nursing or a student nurse in the final year of a full-time  
6 baccalaureate school of nursing leading to a baccalaureate degree or graduate nursing program  
7 leading to a master's degree in nursing and has agreed to serve in an area of defined need as  
8 established by the department;

9 (3) "Participating school", an institution within this state which grants an associate  
10 degree in nursing, grants a bachelor or master of science degree in nursing or provides a diploma  
11 nursing program which is accredited by the state board of nursing, or a regionally accredited  
12 institution in this state which provides a bachelor of science completion program for registered  
13 professional nurses;

14 (4) "Qualified employment", employment on a full-time basis in Missouri in a position  
15 requiring licensure as a licensed practical nurse or registered professional nurse in any **hospital**  
16 **as defined in section 197.020, RSMo, or** public or nonprofit agency, institution, or organization  
17 located in an area of need as determined by the department of health and senior services. Any  
18 forgiveness of such principal and interest for any qualified applicant engaged in qualified  
19 employment on a less than full-time basis may be prorated to reflect the amounts provided in this  
20 section.

337.085. 1. There is hereby established in the state treasury a fund to be known as the  
2 "State Committee of Psychologists Fund". All fees of any kind and character authorized under  
3 sections 337.010 to 337.090 to be charged by the committee or division shall be collected by the  
4 director of the division of professional registration and shall be transmitted to the department of  
5 revenue for deposit in the state treasury for credit to this fund. Such funds, upon appropriation,  
6 shall be disbursed only in payment of expenses of maintaining the committee and for the

7 enforcement of the provisions of law concerning professions regulated by the committee. No  
8 other money shall be paid out of the state treasury for carrying out these provisions. Warrants  
9 shall be issued on the state treasurer for payment out of the fund.

10 2. The provisions of section 33.080, RSMo, to the contrary notwithstanding, money in  
11 this fund shall not be transferred and placed to the credit of general revenue until the amount in  
12 the fund at the end of the biennium exceeds two times the amount of the appropriation from the  
13 committee's fund for the preceding fiscal year **or, if the committee requires by rule renewal**  
14 **less frequently than yearly then three times the appropriation from the committee's fund**  
15 **for the preceding fiscal year.** The amount, if any, in the fund which shall lapse is that amount  
16 in the fund which exceeds the appropriate multiple of the appropriations from the committee's  
17 fund for the preceding fiscal year.

18 3. All funds pertaining to the Missouri state committee of psychologists deposited in the  
19 state treasury to the credit of the committee of registration for the healing arts fund shall be  
20 transferred from that fund to the state committee of psychologists fund by the division director.  
21

337.507. 1. Applications for examination and licensure as a professional counselor shall  
2 be in writing, submitted to the division on forms prescribed by the division and furnished to the  
3 applicant. The application shall contain the applicant's statements showing his education,  
4 experience and such other information as the division may require. Each application shall  
5 contain a statement that it is made under oath or affirmation and that the information contained  
6 therein is true and correct to the best knowledge and belief of the applicant, subject to the  
7 penalties provided for the making of a false affidavit or declaration. Each application shall be  
8 accompanied by the fees required by the committee.

9 2. The division shall mail a renewal notice to the last known address of each licensee  
10 prior to the registration renewal date. Failure to provide the division with the information  
11 required for registration, or to pay the registration fee after such notice shall effect a revocation  
12 of the license after a period of sixty days from the registration renewal date. The license shall  
13 be restored if, within two years of the registration date, the applicant provides written application  
14 and the payment of the registration fee and a delinquency fee.

15 3. A new certificate to replace any certificate lost, destroyed or mutilated may be issued  
16 subject to the rules of the committee, upon payment of a fee.

17 4. The committee shall set the amount of the fees which sections 337.500 to 337.540  
18 authorize and require by rules and regulations promulgated pursuant to section 536.021, RSMo.  
19 The fees shall be set at a level to produce revenue which shall not substantially exceed the cost  
20 and expense of administering the provisions of sections 337.500 to 337.540. All fees provided  
21 for in sections 337.500 to 337.540 shall be collected by the director who shall deposit the same

22 with the state treasurer in a fund to be known as the "Committee of Professional Counselors  
23 Fund".

24 5. The provisions of section 33.080, RSMo, to the contrary notwithstanding, money in  
25 this fund shall not be transferred and placed to the credit of general revenue until the amount in  
26 the fund at the end of the biennium exceeds two times the amount of the appropriation from the  
27 committee's fund for the preceding fiscal year **or, if the committee requires by rule renewal**  
28 **less frequently than yearly then three times the appropriation from the committee's fund**  
29 **for the preceding fiscal year.** The amount, if any, in the fund which shall lapse is that amount  
30 in the fund which exceeds the appropriate multiple of the appropriations from the committee's  
31 fund for the preceding fiscal year.

32 6. The committee shall hold public examinations at least two times per year, at such  
33 times and places as may be fixed by the committee, notice of such examinations to be given to  
34 each applicant at least ten days prior thereto.

337.615. 1. Each applicant for licensure as a clinical social worker shall furnish  
2 evidence to the committee that:

3 (1) The applicant has a master's degree from a college or university program of social  
4 work accredited by the council of social work education or a doctorate degree from a school of  
5 social work acceptable to the committee;

6 (2) The applicant has twenty-four months of supervised clinical experience acceptable  
7 to the committee, as defined by rule;

8 (3) The applicant has achieved a passing score, as defined by the committee, on an  
9 examination approved by the committee. The eligibility requirements for such examination shall  
10 be promulgated by rule of the committee;

11 (4) The applicant is at least eighteen years of age, is of good moral character, is a United  
12 States citizen or has status as a legal resident alien, and has not been convicted of a felony during  
13 the ten years immediately prior to application for licensure.

14 2. Any person [not a resident of this state] holding a valid unrevoked and unexpired  
15 license, certificate or registration from another state or territory of the United States having  
16 substantially the same requirements as this state for clinical social workers may be granted a  
17 license to engage in the person's occupation in this state upon application to the committee  
18 accompanied by the appropriate fee as established by the committee pursuant to section 337.612.  
19

20 3. The committee shall issue a license to each person who files an application and fee  
21 as required by the provisions of sections 337.600 to 337.639 and who furnishes evidence  
22 satisfactory to the committee that the applicant has complied with the provisions of subdivisions  
23 (1) to (4) of subsection 1 of this section or with the provisions of subsection 2 of this section.

24 The committee shall issue a provisional clinical social worker license to any applicant who meets  
25 all requirements of subdivisions (1), (3) and (4) of subsection 1 of this section, but who has not  
26 completed the twenty-four months of supervised clinical experience required by subdivision (2)  
27 of subsection 1 of this section, and such applicant may reapply for licensure as a clinical social  
28 worker upon completion of the twenty-four months of supervised clinical experience.

337.665. 1. Each applicant for licensure as a baccalaureate social worker shall furnish  
2 evidence to the committee that:

3 (1) The applicant has a baccalaureate degree in social work from an accredited social  
4 work degree program approved by the council of social work education;

5 (2) The applicant has achieved a passing score, as defined by the committee, on an  
6 examination approved by the committee. The eligibility requirements for such examination shall  
7 be determined by the state committee for social work;

8 (3) The applicant has completed three thousand hours of supervised baccalaureate  
9 experience with a licensed clinical social worker or licensed baccalaureate social worker in no  
10 less than twenty-four and no more than forty-eight consecutive calendar months;

11 (4) The applicant is at least eighteen years of age, is of good moral character, is a United  
12 States citizen or has status as a legal resident alien, and has not been convicted of a felony during  
13 the ten years immediately prior to application for licensure;

14 (5) The applicant has submitted a written application on forms prescribed by the state  
15 board;

16 (6) The applicant has submitted the required licensing fee, as determined by the division.  
17

18 2. Any applicant who answers in the affirmative to any question on the application that  
19 relates to possible grounds for denial of licensure pursuant to section 337.680 shall submit a  
20 sworn affidavit setting forth in detail the facts which explain such answer and copies of  
21 appropriate documents related to such answer.

22 3. Any person [not a resident of this state] holding a valid unrevoked and unexpired  
23 license, certificate or registration from another state or territory of the United States having  
24 substantially the same requirements as this state for baccalaureate social workers may be granted  
25 a license to engage in the person's occupation in this state upon application to the committee  
26 accompanied by the appropriate fee as established by the committee pursuant to section 337.662.  
27

28 4. The committee shall issue a license to each person who files an application and fee  
29 as required by the provisions of sections 337.650 to 337.689 and who furnishes evidence  
30 satisfactory to the committee that the applicant has complied with the provisions of subsection  
31 1 of this section or with the provisions of subsection 2 of this section. The committee shall issue



32 a one-time provisional baccalaureate social worker license to any applicant who meets all  
33 requirements of subdivisions (1), (2), (4), (5) and (6) of subsection 1 of this section, but who has  
34 not completed the supervised baccalaureate experience required by subdivision (3) of subsection  
35 1 of this section, and such applicant may apply for licensure as a baccalaureate social worker  
36 upon completion of the supervised baccalaureate experience.

337.712. 1. Applications for licensure as a marital and family therapist shall be in  
2 writing, submitted to the division on forms prescribed by the division and furnished to the  
3 applicant. The application shall contain the applicant's statements showing the applicant's  
4 education, experience and such other information as the division may require. Each application  
5 shall contain a statement that it is made under oath or affirmation and that the information  
6 contained therein is true and correct to the best knowledge and belief of the applicant, subject  
7 to the penalties provided for the making of a false affidavit or declaration. Each application shall  
8 be accompanied by the fees required by the division.

9 2. The division shall mail a renewal notice to the last known address of each licensee  
10 prior to the licensure renewal date. Failure to provide the division with the information required  
11 for license, or to pay the licensure fee after such notice shall effect a revocation of the license  
12 after a period of sixty days from the licensure renewal date. The license shall be restored if,  
13 within two years of the licensure date, the applicant provides written application and the payment  
14 of the licensure fee and a delinquency fee.

15 3. A new certificate to replace any certificate lost, destroyed or mutilated may be issued  
16 subject to the rules of the division upon payment of a fee.

17 4. The division shall set the amount of the fees authorized. The fees shall be set at a  
18 level to produce revenue which shall not substantially exceed the cost and expense of  
19 administering the provisions of sections 337.700 to 337.739. All fees provided for in sections  
20 337.700 to 337.739 shall be collected by the director who shall deposit the same with the state  
21 treasurer to a fund to be known as the "Marital and Family Therapists' Fund".

22 5. The provisions of section 33.080, RSMo, to the contrary notwithstanding, money in  
23 this fund shall not be transferred and placed to the credit of general revenue until the amount in  
24 the fund at the end of the biennium exceeds two times the amount of the appropriations from the  
25 marital and family therapists' fund for the preceding fiscal year **or, if the division requires by**  
26 **rule renewal less frequently than yearly then three times the appropriation from the fund**  
27 **for the preceding fiscal year.** The amount, if any, in the fund which shall lapse is that amount  
28 in the fund which exceeds the appropriate multiple of the appropriations from the marital and  
29 family therapists' fund for the preceding fiscal year.

339.010. 1. A "real estate broker" is any person, partnership, association, or corporation,  
2 foreign or domestic who, for another, and for a compensation or valuable consideration, [as a

3 whole or partial vocation,] does, or attempts to do, any or all of the following:

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

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

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

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

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

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

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

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

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

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

23 2. A "real estate salesperson" is any person, who for a compensation or valuable  
24 consideration becomes associated, either as an independent contractor or employee, either  
25 directly or indirectly, with a real estate broker to do any of the things above mentioned[, as a  
26 whole or partial vocation]. The provisions of sections 339.010 to 339.180 **and sections 339.710**  
27 **to 339.860** shall not be construed to deny a real estate salesperson who is compensated solely  
28 by commission the right to be associated with a broker as an independent contractor.

29 3. The term "commission" as used in sections 339.010 to 339.180 **and sections 339.710**  
30 **to 339.860** means the Missouri real estate commission.

31 4. "Real estate" for the purposes of sections 339.010 to 339.180 **and sections 339.710**  
32 **to 339.860** shall mean, and include, leaseholds, as well as any other interest or estate in land,  
33 whether corporeal, incorporeal, freehold or nonfreehold, and [whether] the real estate is situated  
34 in this state [or elsewhere].

35 5. The provisions of sections 339.010 to 339.180 **and sections 339.710 to 339.860** shall  
36 not apply to:

37 (1) Any person, partnership, **association**, or corporation who as owner [or], lessor, **or**  
38 **lessee** shall perform any of the acts described in subsection 1 of this section with reference to

39 property owned or leased by them, or to the regular employees thereof, provided such owner [or],  
40 lessor, **or lessee** is not engaged in the real estate business [as a vocation];

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

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

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

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

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

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

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

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

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

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

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

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

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

74 (9) Any newspaper [or], magazine [or], periodical [of general circulation], **or Internet**

75 **site** whereby the advertising of real estate is incidental to [the] **its** operation [of that publication]  
76 or to any form of communications regulated or licensed by the Federal Communications  
77 Commission or any successor agency or commission;

78 (10) Any developer selling Missouri land owned by the developer [if such developer has  
79 on file with the commission a certified copy of a currently effective statement of record on file  
80 with the Office of Interstate Land Sales pursuant to Sections 1704 through 1706 of Title 15 of  
81 the United States Code or a current statement from the Office of Interstate Land Sales of the  
82 United States Department of Housing and Urban Development approving the documentation  
83 (together with a copy of such documentation) submitted to that office with respect to real estate  
84 falling within the scope of subsection 1702(a)(10) of Title 15 of the United States Code];

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

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

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

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

96 (12) Any neighborhood association, as that term is defined in section 441.500, RSMo,  
97 that without compensation, either monetary or in kind, provides to prospective purchasers or  
98 lessors of property the asking price, location, and contact information regarding properties in and  
99 near the association's neighborhood, including any publication of such information in a  
100 newsletter, [web] **Internet** site, or other medium.

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

339.030. A corporation, partnership, or association shall be granted a license when  
2 individual licenses have been issued to every member, partner or officer of such partnership,  
3 association, or corporation who actively participates in its brokerage business and to every  
4 person who acts as a salesperson for such partnership, association, or corporation and when the  
5 required fee is paid.

339.040. 1. Licenses shall be granted only to persons who present, and corporations,  
2 associations, or partnerships whose officers, associates, or partners present, satisfactory proof

3 to the commission that they:

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

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

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

8 2. In order to determine an applicant's qualifications to receive a license under sections  
9 339.010 to 339.180 **and sections 339.710 to 339.860**, the commission shall hold oral or written  
10 examinations at such times and places as the commission may determine.

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

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

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

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

33 7. [The commission shall require] **The commission may issue a temporary work**  
34 **permit pending final review and printing of the license to an applicant who appears to have**  
35 **satisfied the requirements for licenses. The commission may, at its discretion, withdraw**  
36 **the work permit at any time.**

37 8. Every active broker, salesperson, officer [or], partner [to present upon license  
38 renewal], **or associate shall provide upon request to the commission** evidence that during the

39 two years preceding he **or she** has completed twelve hours of real estate instruction in courses  
40 approved by the commission. The commission may, by rule and regulation, provide for  
41 individual waiver of this requirement.

42 [8.] **9.** Each entity that provides continuing education required under the provisions of  
43 subsection [7] **8** of this section may make available [videotapes and audiotapes of] instruction  
44 courses that the entity conducts **through means of distance delivery**. The commission shall by  
45 rule set standards for [the production of] such [taped] courses[, which may include the  
46 requirement that individuals purchasing such tapes also purchase an accompanying written study  
47 document. The commission shall authorize individuals required to complete instruction under  
48 the provisions of this subsection to fulfill such continuing education requirements by utilizing  
49 such videotape and audiotape courses]. The commission may by regulation require the  
50 individual completing such [videotape or audiotape] **distance delivered** course to complete an  
51 examination on the contents of the course. Such examination shall be designed to ensure that  
52 the licensee displays adequate knowledge of the subject matter of the course, and shall be  
53 designed by the entity producing the [taped] course and approved by the commission.

54 [9.] **10.** In the event of the death or incapacity of a licensed broker, or of one or more of  
55 the licensed partners [or], officers, **or associates** of a real estate partnership [or], corporation, **or**  
56 **association** whereby the affairs of the broker, partnership, or corporation cannot be carried on,  
57 the commission may issue, without examination or fee, to the legal representative or  
58 representatives of the deceased or incapacitated individual, or to another individual approved by  
59 the commission, a temporary broker license which shall authorize such individual to continue  
60 for a period to be designated by the commission to transact business for the sole purpose of  
61 winding up the affairs of the broker, partnership or corporation under the supervision of the  
62 commission.

339.060. 1. The commission shall set the amount of the fees which sections 339.010 to  
2 339.180 **and sections 339.710 to 339.860** authorize and require by rules and regulations  
3 promulgated pursuant to section 536.021, RSMo. The fees shall be set at a level to produce  
4 revenue which shall not substantially exceed the cost and expense of administering sections  
5 339.010 to 339.180 **and sections 339.710 to 339.860**.

6 2. Every license granted under sections 339.010 to 339.180 **and sections 339.710 to**  
7 **339.860** shall be renewed each licensing period and the commission shall issue a new license  
8 upon receipt of the [written] **properly completed** application of the applicant and the required  
9 renewal fee.

339.100. 1. The commission may, upon its own motion, and shall upon **receipt of**  
2 **a** written complaint filed by any person, investigate any [business transaction] **real estate-**  
3 **related activity** of a [person, partnership or corporation] **licensee** licensed under sections

4 339.010 to 339.180 **and sections 339.710 to 339.860 or an individual or entity acting as or**  
5 **representing themselves as a real estate licensee.** In conducting such investigation, **if the**  
6 **questioned activity or written complaint involves an affiliated licensee, the commission may**  
7 **forward a copy of the information received to the affiliated licensee's designated broker.**  
8 The commission shall have the power to hold an investigatory hearing to determine whether  
9 there is a probability [that the licensee has performed or attempted to perform any act or practice  
10 declared unlawful pursuant to] **of a violation of sections 339.010 to 339.180 and sections**  
11 **339.710 to 339.860.** [In conducting such a hearing,] The commission shall have the power to  
12 issue a subpoena to compel the production of records and papers bearing on the complaint. The  
13 commission shall have the power to issue a subpoena and to compel any person in this state to  
14 come before the commission to offer testimony or any material specified in the subpoena.  
15 Subpoenas and subpoenas duces tecum issued pursuant to this section shall be served in the same  
16 manner as subpoenas in a criminal case. The fees and mileage of witnesses shall be the same as  
17 that allowed in the circuit court in civil cases.

18 2. The commission may cause a complaint to be filed with the administrative hearing  
19 commission as provided by [law when the commission believes there is a probability that a  
20 licensee has performed or attempted to perform any] **the provisions of chapter 621, RSMo,**  
21 **against any person or entity licensed under this chapter or any licensee who has failed to**  
22 **renew or has surrendered his or her individual or entity license for any one or any**  
23 **combination** of the following acts:

24 (1) Failure to maintain and deposit in a special account, separate and apart from his **or**  
25 **her** personal or other business accounts, all moneys belonging to others entrusted to him **or her**  
26 while acting as a real estate broker[, or as escrow agent,] or as the temporary custodian of the  
27 funds of others, until the transaction involved is consummated or terminated, unless all parties  
28 having an interest in the funds have agreed otherwise in writing;

29 (2) Making substantial misrepresentations or false promises or suppression, concealment  
30 or omission of material facts in the conduct of his **or her** business or pursuing a flagrant and  
31 continued course of misrepresentation through agents, salespersons, advertising or otherwise in  
32 any transaction;

33 (3) Failing within a reasonable time to account for or to remit any moneys, valuable  
34 documents or other property, coming into his **or her** possession, which belongs to others;

35 (4) Representing to any lender, guaranteeing agency, or any other interested party, either  
36 verbally or through the preparation of false documents, an amount in excess of the true and  
37 actual sale price of the real estate or terms differing from those actually agreed upon;

38 (5) Failure to **timely** deliver[, immediately at the time of signing,] a duplicate original  
39 of any and all instruments to any party or parties executing the same where the instruments have

40 been prepared by the licensee or under his **or her** supervision or are within his **or her** control,  
41 including, but not limited to, the instruments relating to the employment of the licensee or to any  
42 matter pertaining to the consummation of a lease, listing agreement or the purchase, sale,  
43 exchange or lease of property, or any type of real estate transaction in which he **or she** may  
44 participate as a licensee;

45 (6) Acting for more than one party in a transaction without the knowledge of all parties  
46 for whom he **or she** acts, or accepting a commission or valuable consideration for services from  
47 more than one party in a real estate transaction without the knowledge of all parties to the  
48 transaction;

49 (7) Paying a commission or valuable consideration to any person for acts or services  
50 performed in violation of sections 339.010 to 339.180 **and sections 339.710 to 339.860**;

51 (8) Guaranteeing or having authorized or permitted any licensee to guarantee future  
52 profits which may result from the resale of real property;

53 (9) Having been finally adjudicated and been found guilty of the violation of any state  
54 or federal statute which governs the sale or rental of real property or the conduct of the real estate  
55 business as defined in subsection 1 of section 339.010;

56 (10) Obtaining a certificate or registration of authority, permit or license for himself **or**  
57 **herself** or anyone else by false or fraudulent representation, fraud or deceit;

58 (11) Representing a real estate broker other than the broker with whom associated  
59 without the express [knowledge and] **written** consent of [that] **the broker**[, or] **with whom**  
60 **associated**;

61 (12) Accepting a commission or valuable consideration for the performance of any of  
62 the acts referred to in section 339.010 from any person except the broker with whom associated  
63 **at the time the commission or valuable consideration was earned**;

64 [(12)] (13) Using prizes, money, gifts or other valuable consideration as inducement to  
65 secure customers **or clients** to purchase, lease, sell or list property when the awarding of such  
66 prizes, money, gifts or other valuable consideration is conditioned upon the purchase, lease, sale  
67 or listing; or soliciting, selling or offering for sale real property by offering free lots, or  
68 conducting lotteries or contests, or offering prizes for the purpose of influencing a purchaser or  
69 prospective purchaser of real property;

70 [(13)] (14) Placing a sign on or advertising any property offering it for sale or rent  
71 without the **written** consent of the owner or his **or her** duly authorized agent;

72 [(14)] (15) Violation of, or attempting to violate, directly or indirectly, or assisting or  
73 enabling any person to violate, any provision of sections 339.010 to 339.180 **and sections**  
74 **339.710 to 339.860**, or of any lawful rule adopted pursuant to sections 339.010 to 339.180 **and**  
75 **sections 339.710 to 339.860**;



76 [(15)] (16) Committing any act which would otherwise be grounds for the commission  
77 to refuse to issue a license under section 339.040;

78 [(16)] (17) Failure to [submit] **timely inform seller of** all written [bona fide] offers [to  
79 a seller when such offers are received prior to the seller accepting an offer in writing and until  
80 the licensee has knowledge of such acceptance] **unless otherwise instructed in writing by the**  
81 **seller;**

82 [(17)] (18) Been finally adjudicated and found guilty, or entered a plea of guilty or nolo  
83 contendere, in a criminal prosecution under the laws of this state or any other state or of the  
84 United States, for any offense reasonably related to the qualifications, functions or duties of any  
85 profession licensed or regulated under this chapter, for any offense an essential element of which  
86 is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether  
87 or not sentence is imposed;

88 [(18)] (19) Any other conduct which constitutes untrustworthy, improper or fraudulent  
89 business dealings, [or] demonstrates bad faith or [gross] incompetence, **misconduct, or gross**  
90 **negligence;**

91 [(19)] (20) Disciplinary action against the holder of a license or other right to practice  
92 any profession regulated under sections 339.010 to 339.180 **and sections 339.710 to 339.860**  
93 granted by another state, territory, federal agency, or country upon grounds for which revocation,  
94 suspension, or probation is authorized in this state;

95 [(20)] (21) Been found by a court of competent jurisdiction of having used any controlled  
96 substance, as defined in chapter 195, RSMo, to the extent that such use impairs a person's ability  
97 to perform the work of any profession licensed or regulated by sections 339.010 to 339.180 **and**  
98 **sections 339.710 to 339.860;**

99 [(21)] (22) Been finally adjudged insane or incompetent by a court of competent  
100 jurisdiction;

101 [(22)] (23) Assisting or enabling any person to practice or offer to practice any  
102 profession licensed or regulated under sections 339.010 to 339.180 **and sections 339.710 to**  
103 **339.860** who is not registered and currently eligible to practice under sections 339.010 to  
104 339.180 **and sections 339.710 to 339.860;**

105 [(23)] (24) Use of any advertisement or solicitation which is knowingly false, misleading  
106 or deceptive to the general public or persons to whom the advertisement or solicitation is  
107 primarily directed.

108 3. After the filing of such complaint, the proceedings will be conducted in accordance  
109 with the provisions of law relating to the administrative hearing commission. A finding of the  
110 administrative hearing commissioner that the licensee has performed or attempted to perform one  
111 or more of the foregoing acts shall be grounds for the suspension or revocation of his license by

112 the commission, or the placing of the licensee on probation on such terms and conditions as the  
113 real estate commission shall deem appropriate.

114 4. The commission may prepare a digest of the decisions of the administrative hearing  
115 commission which concern complaints against licensed brokers or salespersons and cause such  
116 digests to be mailed to all licensees periodically. Such digests may also contain reports as to new  
117 or changed rules adopted by the commission and other information of significance to licensees.  
118

339.105. 1. Each broker who holds funds belonging to another shall maintain such funds  
2 in a separate bank account in a financial institution which shall be designated an escrow or trust  
3 account. This requirement includes funds in which he or she may have some future interest or  
4 claim. Such funds shall be deposited promptly unless all parties having an interest in the funds  
5 have agreed otherwise in writing. No broker shall commingle his or her personal funds or other  
6 funds in this account with the exception that a broker may deposit and keep a sum not to exceed  
7 one thousand dollars in the account from his or her personal funds, which sum shall be  
8 specifically identified and deposited to cover service charges related to the account.

9 2. Each broker shall notify the commission [of the name] of his or her intent not to  
10 maintain an escrow account, or the name of the financial institution in which each escrow or trust  
11 account is maintained, the name and number of each such account, and shall file written  
12 authorization directed to each financial institution to allow the commission or its authorized  
13 representative to examine each such account; such notification and authorization shall be  
14 submitted on forms provided therefor by the commission. A broker shall notify the commission  
15 within ten business days of any change of his or her intent to maintain an escrow account, the  
16 financial institution, account numbers, or change in account status.

17 3. In conjunction with each escrow or trust account a broker shall maintain books,  
18 records, contracts and other necessary documents so that the adequacy of said account may be  
19 determined at any time. The account and other records shall be provided to the commission and  
20 its duly authorized agents for inspection at all times during regular business hours at the broker's  
21 usual place of business.

22 4. Whenever the ownership of any escrow moneys received by a broker pursuant to this  
23 section is in dispute by the parties to a real estate sales transaction, the broker shall report and  
24 deliver the moneys to the state treasurer within three hundred sixty-five days of the date of the  
25 initial projected closing date in compliance with sections 447.500 to 447.595, RSMo. The  
26 parties to a real estate sales transaction may agree in writing that the funds are not in dispute and  
27 shall notify the broker who is holding the funds.

28 5. A broker shall not be entitled to any money or other money paid to him or her in  
29 connection with any real estate sales transaction as part or all of his or her commission or fee

30 until the transaction has been consummated or terminated, unless agreed in writing by all parties  
31 to the transaction.

32 6. When, through investigations or otherwise, the commission has reasonable cause to  
33 believe that a licensee has acted, is acting or is about to act in violation of this section, the  
34 commission may, through the attorney general or any assistants designated by the attorney  
35 general, proceed in the name of the commission to institute suit to enjoin any act or acts in  
36 violation of this section.

37 7. Any such suit shall be commenced in either the county in which the defendant resides  
38 or in the county in which the defendant has acted, is acting or is about to act in violation of this  
39 section.

40 8. In such proceeding, the court shall have power to issue such temporary restraining or  
41 injunction orders, without bond, which are necessary to protect the public interest. Any action  
42 brought under this section shall be in addition to and not in lieu of any other provisions of this  
43 chapter. In such action, the commission or the state need not allege or prove that there is no  
44 adequate remedy at law or that any individual has suffered any economic injury as a result of the  
45 activity sought to be enjoined.

339.120. 1. There is hereby created the "Missouri Real Estate Commission", to consist  
2 of seven persons, citizens of the United States and residents of this state for at least one year  
3 prior to their appointment, for the purpose of carrying out and enforcing the provisions of  
4 sections 339.010 to 339.180 **and sections 339.710 to 339.860**. The commission shall be  
5 appointed by the governor with the advice and consent of the senate. All members, except one  
6 voting public member, of the commission must have had at least ten years' experience as a real  
7 estate broker prior to their appointment. The terms of the members of the commission shall be  
8 for five years, and until their successors are appointed and qualified. Members to fill vacancies  
9 shall be appointed by the governor for the unexpired term. The president of the Missouri  
10 Association of Realtors in office at the time shall, at least ninety days prior to the expiration of  
11 the term of the board member, other than the public member, or as soon as feasible after the  
12 vacancy on the board otherwise occurs, submit to the director of the division of professional  
13 registration a list of five Realtors qualified and willing to fill the vacancy in question, with the  
14 request and recommendation that the governor appoint one of the five persons so listed, and with  
15 the list so submitted, the president of the Missouri Association of Realtors shall include in his  
16 or her letter of transmittal a description of the method by which the names were chosen by that  
17 association. The commission shall organize annually by selecting from its members a chairman.  
18 The commission may do all things necessary and convenient for carrying into effect the  
19 provisions of sections 339.010 to 339.180 **and sections 339.710 to 339.860**, and may promulgate  
20 necessary rules compatible with the provisions of sections 339.010 to 339.180 **and sections**

21 **339.710 to 339.860.** Each member of the commission shall receive as compensation an amount  
22 set by the commission not to exceed [fifty] **seventy-five** dollars for each day devoted to the  
23 affairs of the commission, and shall be entitled to reimbursement of his or her expenses  
24 necessarily incurred in the discharge of his or her official duties. The governor may remove any  
25 commissioner for cause.

26 2. The public member shall be at the time of his or her appointment a citizen of the  
27 United States; a resident of this state for a period of one year and a registered voter; a person who  
28 is not and never was a member of any profession licensed or regulated pursuant to sections  
29 339.010 to 339.180 **and sections 339.710 to 339.860** or the spouse of such person; and a person  
30 who does not have and never has had a material, financial interest in either the providing of the  
31 professional services regulated by sections 339.010 to 339.180 **and sections 339.710 to 339.860**,  
32 or an activity or organization directly related to any profession licensed or regulated pursuant to  
33 sections 339.010 to 339.180 **and sections 339.710 to 339.860**. All members, including public  
34 members, shall be chosen from lists submitted by the director of the division of professional  
35 registration. The duties of the public member shall not include the determination of the technical  
36 requirements to be met for licensure or whether any person meets such technical requirements  
37 or of the technical competence or technical judgment of a licensee or a candidate for licensure.  
38

39 3. The commission shall employ such board personnel, as defined in subdivision (4) of  
40 subsection 15 of section 620.010, RSMo, as it shall deem necessary to discharge the duties  
41 imposed by the provisions of sections 339.010 to 339.180 **and sections 339.710 to 339.860**.

42 4. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that  
43 is created under the authority delegated in sections 339.010 to 339.180 **and sections 339.710 to**  
44 **339.860** shall become effective only if it complies with and is subject to all of the provisions of  
45 chapter 536, RSMo, and, if applicable, section 536.028, RSMo. All rulemaking authority  
46 delegated prior to August 28, 1999, is of no force and effect and repealed. Nothing in this  
47 section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to  
48 August 28, 1999, if it fully complied with all applicable provisions of law. This section and  
49 chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly  
50 pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul  
51 a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule  
52 proposed or adopted after August 28, 1999, shall be invalid and void.

339.130. The commission may sue and be sued in its official name, and shall have a seal  
2 which shall be affixed to [all licenses,] certified copies of records and papers on file, and to such  
3 other instruments as the commission may direct, and all courts shall take judicial notice of such  
4 seal. Copies of records and proceedings of the commission, and of all papers on file in its office,

5 certified under the said seal shall be received as evidence in all courts of record. The office of  
6 the commission shall be at Jefferson City.

339.150. 1. No real estate broker shall knowingly employ or engage any person to  
2 perform any service to the broker for which licensure as a real estate broker or a real estate sales  
3 person is required pursuant to sections 339.010 to 339.180 **and sections 339.710 to 339.860**,  
4 unless such a person is a licensed real estate salesperson or a licensed real estate broker as  
5 required by section 339.020, or a person regularly engaged in the real estate brokerage business  
6 outside of the state of Missouri. Any such action shall be unlawful as provided by section  
7 339.100 and shall be grounds for investigation, complaint, proceedings and discipline as  
8 provided by section 339.100.

9 2. No real estate licensee shall pay any part of a fee, commission or other compensation  
10 received by the licensee to any person for any service rendered by such person to the licensee in  
11 buying, selling, exchanging, leasing, renting or negotiating a loan upon any real estate, unless  
12 such a person is a licensed real estate salesperson regularly associated with such a broker, or a  
13 licensed real estate broker, or a person regularly engaged in the real estate brokerage business  
14 outside of the state of Missouri.

15 3. Notwithstanding the provisions of subsections 1 and 2 of this section, any real estate  
16 broker who shall refuse to pay any person for services rendered by such person to the broker,  
17 with the consent, knowledge and acquiescence of the broker that such person was not licensed  
18 as required by section 339.020, in buying, selling, exchanging, leasing, renting or negotiating a  
19 loan upon any real estate for which services a license is required, and who is employed or  
20 engaged by such broker to perform such services, shall be liable to such person for the reasonable  
21 value of the same or similar services rendered to the broker, regardless of whether or not the  
22 person possesses or holds any particular license, permit or certification at the time the service  
23 was performed. Any such person may bring a civil action for the reasonable value of his services  
24 rendered to a broker notwithstanding the provisions of section 339.160.

339.160. No person, partnership, corporation, or association engaged within this state  
2 in the business or acting in the capacity of a real estate broker or real estate salesperson shall  
3 bring or maintain an action in any court in this state for the recovery of compensation for services  
4 rendered in the buying, selling, exchanging, leasing, renting or negotiating a loan upon any real  
5 estate without alleging and proving that such person, partnership, corporation, or association was  
6 a licensed real estate broker or salesperson at the time when the alleged cause of action arose.

339.170. Any person or corporation knowingly violating any provision of sections  
2 339.010 to 339.180 **and sections 339.710 to 339.860** shall be guilty of a class B misdemeanor.  
3 Any officer or agent of a corporation, or member or agent of a partnership or association, who

4 shall knowingly and personally participate in or be an accessory to any violation of sections  
5 339.010 to 339.180 **and sections 339.710 to 339.860**, shall be guilty of a class B misdemeanor.  
6 This section shall not be construed to release any person from civil liability or criminal  
7 prosecution under any other law of this state. The commission may cause complaint to be filed  
8 for violation of section 339.020 in any court of competent jurisdiction, and perform such other  
9 acts as may be necessary to enforce the provisions hereof.

339.180. 1. It shall be unlawful for any person **or entity** not licensed under this chapter  
2 to perform any act for which a real estate [broker or salesperson] license is required. Upon  
3 application by the [board] **commission**, and the necessary burden having been met, a court of  
4 general jurisdiction may grant an injunction, restraining order or other order as may be  
5 appropriate to enjoin a person **or entity** from:

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

10 (2) Engaging in any practice or business authorized by a [certificate of registration or  
11 authority,] permit or license issued pursuant to this chapter upon a showing that the holder  
12 presents a substantial probability of serious danger to the health, safety or welfare of any  
13 [resident of this state or client or patient of the licensee] **person with, or who is considering**  
14 **obtaining, a legal interest in real property in this state.**

15 2. Any such action shall be commenced either in the county in which such conduct  
16 occurred or in the county in which the defendant resides.

17 3. Any action brought under this section shall be in addition to and not in lieu of any  
18 penalty provided by this chapter and may be brought concurrently with other actions to enforce  
19 this chapter.

339.710. For purposes of sections 339.710 to 339.860, the following terms mean:

2 (1) "Adverse material fact", a fact related to the [physical condition of the] property not  
3 reasonably ascertainable or known to a party which negatively affects the value of the property.

4 Adverse material facts may include matters pertaining to:

5 (a) Environmental hazards affecting the property;

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

7 (c) Material defects in the property;

8 (d) Material defects in the title to the property;

9 (e) Material limitation of the party's ability to perform under the terms of the contract;

10 (2) "Affiliated licensee", any broker or salesperson who works under the supervision of  
11 a designated broker;

12 (3) "Agent", a person or entity acting pursuant to the provisions of this chapter;

13 (4) "Broker disclosure form", the current form prescribed by the commission for  
14 presentation to a seller, landlord, buyer or tenant who has not entered into a written agreement  
15 for brokerage services;

16 (5) "Brokerage relationship", the relationship created between a designated broker, the  
17 broker's affiliated licensees, and a client relating to the performance of services of a broker as  
18 defined in section 339.010, and sections 339.710 to 339.860. If a designated broker makes an  
19 appointment of an affiliated licensee or affiliated licensees pursuant to section 339.820, such  
20 brokerage relationships are created between the appointed licensee or licensees and the client.  
21 Nothing in this subdivision shall:

22 (a) Alleviate the designated broker from duties of supervision of the appointed licensee  
23 or licensees; or

24 (b) Alter the designated broker's underlying contractual agreement with the client;

25 (6) "Client", a seller, landlord, buyer, or tenant who has entered into a brokerage  
26 relationship with a licensee pursuant to sections 339.710 to 339.860;

27 (7) "Commercial real estate", any real estate other than real estate containing one to four  
28 residential units, real estate on which no buildings or structures are located, or real estate  
29 classified as agricultural and horticultural property for assessment purposes pursuant to section  
30 137.016, RSMo. Commercial real estate does not include single family residential units  
31 including condominiums, townhouses, or homes in a subdivision when that real estate is sold,  
32 leased, or otherwise conveyed on a unit-by-unit basis even though the units may be part of a  
33 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 [a] **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, association, limited liability corporation, or a

48 corporation engaged in the real estate brokerage business to be responsible for the acts of the  
49 partnership, association, limited liability corporation, or corporation. Every real estate  
50 partnership, association, or limited liability corporation, or corporation shall appoint a designated  
51 broker;

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

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

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

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

62 (17) "Limited agent", a licensee whose duties and obligations to a client are those set  
63 forth in sections 339.730 to 339.750;

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

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

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

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

73 (d) Setting an appointment to view property;

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

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

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

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

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

82 (19) "Residential real estate", all real property improved by a structure that is used or  
83 intended to be used primarily for residential living by human occupants and that contains not



84 more than four dwelling units or that contains single dwelling units owned as a condominium  
85 or in a cooperative housing association, and vacant land classified as residential property. The  
86 term "cooperative housing association" means an association, whether incorporated or  
87 unincorporated, organized for the purpose of owning and operating residential real property in  
88 Missouri, the shareholders or members of which, by reason of their ownership of a stock or  
89 membership certificate, a proprietary lease, or other evidence of membership, are entitled to  
90 occupy a dwelling unit pursuant to the terms of a proprietary lease or occupancy agreement;

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

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

96 (b) "Seller's agent", which shall mean a licensee who represents the seller in a real estate  
97 transaction; and

98 (c) "Landlord's agent", which shall mean a licensee who represents a landlord in a leasing  
99 transaction;

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

102 (21) "Subagent", a designated broker, together with the broker's affiliated licensees,  
103 engaged by another designated broker, together with the broker's affiliated or appointed affiliated  
104 licensees, to act as a limited agent for a client, or a designated broker's unappointed affiliated  
105 licensees engaged by the designated broker, together with the broker's appointed affiliated  
106 licensees, to act as a limited agent for a client. A subagent owes the same obligations and  
107 responsibilities to the client pursuant to sections 339.730 to 339.740 as does the client's  
108 designated broker;

109 (22) "Transaction broker", any licensee acting pursuant to sections 339.710 to 339.860,  
110 who:

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

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

116 (c) Assists another party to the same transaction either solely or through licensee  
117 affiliates.

118

119 Such licensee shall be deemed to be a transaction broker and not a dual agent, provided that,

120 notice of assumption of transaction broker status is provided to the buyer and seller immediately  
121 upon such default to transaction broker status, to be confirmed in writing prior to execution of  
122 the contract.

339.760. [1.] Every designated broker **who has affiliated licensees** shall adopt a written  
2 policy which identifies and describes the relationships in which the designated broker and  
3 affiliated licensees may engage with any seller, landlord, buyer, or tenant as part of any real  
4 estate brokerage activities.

5 [2. A designated broker shall not be required to offer or engage in more than one of the  
6 brokerage relationships enumerated in section 339.720.]

339.780. 1. All written agreements for brokerage services on behalf of a seller, landlord,  
2 buyer, or tenant shall be entered into by the designated broker on behalf of that broker and  
3 affiliated licensees, except that the designated broker may authorize affiliated licensees in writing  
4 to enter into the written agreements on behalf of the designated broker.

5 2. Before engaging in any of the activities enumerated in section 339.010, a designated  
6 broker intending to establish a limited agency relationship with a seller or landlord shall enter  
7 into a written agency agreement with the party to be represented. The agreement shall include  
8 a licensee's duties and responsibilities specified in section 339.730 and the terms of  
9 compensation and shall specify whether an offer of subagency may be made to any other  
10 designated broker.

11 3. Before or while engaging in any acts enumerated in section 339.010, except  
12 ministerial acts defined in section 339.710, a designated broker acting as a single agent for a  
13 buyer or tenant shall enter into a written agency agreement with the buyer or tenant. The  
14 agreement shall include a licensee's duties and responsibilities specified in section 339.740 and  
15 the terms of compensation [and shall specify whether an offer of subagency may be made to any  
16 other designated broker].

17 4. Before engaging in any of the activities enumerated in section 339.010, a designated  
18 broker intending to act as a dual agent shall enter into a written agreement with the seller and  
19 buyer or landlord and tenant permitting the designated broker to serve as a dual agent. The  
20 agreement shall include a licensee's duties and responsibilities specified in section 339.750 and  
21 the terms of compensation.

22 5. Before engaging in any of the activities enumerated in section 339.010, a designated  
23 broker intending to act as a subagent shall enter into a written agreement with the designated  
24 broker for the client. If a designated broker has made a unilateral offer of subagency, another  
25 designated broker can enter into the subagency relationship by the act of disclosing to the  
26 customer that he or she is a subagent of the client. If a designated broker has made an  
27 appointment pursuant to section 339.820, an affiliated licensee that has been excluded by such

28 appointment may enter into the subagency relationship by the act of disclosing to the customer  
29 that he or she is a subagent of the client.

30 6. A designated broker who intends to act as a transaction broker and who expects to  
31 receive compensation from the party he or she assists shall enter into a written transaction  
32 brokerage agreement with such party or parties contracting for the broker's service. The  
33 transaction brokerage agreement shall include a licensee's duties and responsibilities specified  
34 in section 339.755 and the terms of compensation.

35 7. Nothing contained in this section shall prohibit the public from entering into written  
36 contracts with any broker which contain duties, obligations, or responsibilities which are in  
37 addition to those specified in this section.

339.800. 1. In any real estate transaction, the designated broker's compensation may be  
2 paid by the seller, the landlord, the buyer, the tenant, or a third party or by sharing the  
3 compensation between designated brokers.

4 2. Payment of compensation by itself shall not establish an agency relationship or  
5 transaction brokerage relationship between the party who paid the compensation and the  
6 designated broker or any affiliated licensee.

7 3. A seller or landlord may agree that a designated broker may share with another  
8 designated broker the compensation paid by the seller or landlord.

9 4. A buyer or tenant may agree that a designated broker may share with another  
10 designated broker the compensation paid by the buyer or tenant.

11 5. A designated broker may be compensated by more than one party for services in a  
12 transaction with the knowledge of all the parties at or before the time of entering into a written  
13 contract to buy, sell, or lease.

14 **6. Nothing contained in this section shall relieve the licensee from the requirement**  
15 **of obtaining a written agreement for brokerage services or other written agreement**  
16 **addressing compensation.**

17 345.015. As used in sections 345.010 to 345.080, the following terms mean:

18 (1) "Audiologist", a person who is licensed as an audiologist pursuant to sections 345.010  
19 to 345.080 to practice audiology;

20 (2) "Audiology aide", a person who is registered as an audiology aide by the board, who  
21 does not act independently but works under the direction and supervision of a licensed  
22 audiologist. Such person assists the audiologist with activities which require an understanding  
23 of audiology but do not require formal training in the relevant academics. To be eligible for  
24 registration by the board, each applicant shall submit a registration fee, be of good moral and  
25 ethical character; and:

26 (a) Be at least eighteen years of age;

27 (b) Furnish evidence of the person's educational qualifications which shall be at a  
28 minimum:

29 a. Certification of graduation from an accredited high school or its equivalent; and

30 b. On-the-job training;

31 (c) Be employed in a setting in which direct and indirect supervision are provided on a  
32 regular and systematic basis by a licensed audiologist. However, the aide shall not administer  
33 or interpret hearing screening or diagnostic tests, fit or dispense hearing instruments, make ear  
34 impressions, make diagnostic statements, determine case selection, present written reports to  
35 anyone other than the supervisor without the signature of the supervisor, make referrals to other  
36 professionals or agencies, use a title other than speech-language pathology aide or clinical  
37 audiology aide, develop or modify treatment plans, discharge clients from treatment or terminate  
38 treatment, disclose clinical information, either orally or in writing, to anyone other than the  
39 supervising speech-language pathologist/audiologist, or perform any procedure for which he or  
40 she is not qualified, has not been adequately trained or both;

41 (3) "Board", the state board of registration for the healing arts;

42 (4) "Clinical fellowship", the supervised professional employment period following  
43 completion of the academic and practicum requirements of an accredited training program as  
44 defined in sections 345.010 to 345.080;

45 (5) "Commission", the advisory commission for speech-language pathologists and  
46 audiologists;

47 (6) "Hearing instrument" or "hearing aid", any wearable device or instrument designed  
48 for or offered for the purpose of aiding or compensating for impaired human hearing and any  
49 parts, attachments or accessories, including ear molds, but excluding batteries, cords, receivers  
50 and repairs;

51 (7) "Person", any individual, organization, or corporate body, except that only  
52 individuals may be licensed pursuant to sections 345.010 to 345.080;

53 (8) "Practice of audiology":

54 (a) The application of accepted audiologic principles, methods and procedures for the  
55 measurement, testing, interpretation, appraisal and prediction related to disorders of the auditory  
56 system, balance system or related structures and systems;

57 (b) Provides consultation, counseling to the patient, client, student, their family or  
58 interested parties;

59 (c) Provides academic, social and medical referrals when appropriate;

60 (d) Provides for establishing goals, implementing strategies, methods and techniques,  
61 for habilitation, rehabilitation or aural rehabilitation, related to disorders of the auditory system,  
62 balance system or related structures and systems;

- 63 (e) Provides for involvement in related research, teaching or public education;
- 64 (f) Provides for rendering of services or participates in the planning, directing or  
65 conducting of programs which are designed to modify audition, communicative, balance or  
66 cognitive disorder, which may involve speech and language or education issues;
- 67 (g) Provides and interprets behavioral and neurophysiologic measurements of auditory  
68 balance, cognitive processing and related functions, including intraoperative monitoring;
- 69 (h) Provides involvement in any tasks, procedures, acts or practices that are necessary  
70 for evaluation of audition, hearing, training in the use of amplification or assistive listening  
71 devices;
- 72 (i) Provides selection and assessment of hearing instruments;
- 73 (j) Provides for taking impressions of the ear, making custom ear molds, ear plugs, swim  
74 molds and industrial noise protectors;
- 75 (k) Provides assessment of external ear and cerumen management;
- 76 (l) Provides advising, fitting, mapping assessment of implantable devices such as  
77 cochlear or auditory brain stem devices;
- 78 (m) Provides information in noise control and hearing conservation including education,  
79 equipment selection, equipment calibration, site evaluation and employee evaluation;
- 80 (n) Provides performing basic speech-language screening test;
- 81 (o) Provides involvement in social aspects of communication, including challenging  
82 behavior and ineffective social skills, lack of communication opportunities;
- 83 (p) Provides support and training of family members and other communication partners  
84 for the individual with auditory balance, cognitive and communication disorders;
- 85 (q) Provides aural rehabilitation and related services to individuals with hearing loss and  
86 their families;
- 87 (r) Evaluates, collaborates and manages audition problems in the assessment of the  
88 central auditory processing disorders and providing intervention for individuals with central  
89 auditory processing disorders;
- 90 (s) Develops and manages academic and clinical problems in communication sciences  
91 and disorders;
- 92 (t) Conducts, disseminates and applies research in communication sciences and  
93 disorders;
- 94 (9) "Practice of speech-language pathology":
- 95 (a) Provides screening, identification, assessment, diagnosis, treatment, intervention,  
96 including but not limited to, prevention, restoration, amelioration and compensation, and  
97 follow-up services for disorders of:
- 98 a. Speech: articulation, fluency, voice, including respiration, phonation and resonance;

- 99           b. Language, involving the parameters of phonology, morphology, syntax, semantics and  
100 pragmatic; and including disorders of receptive and expressive communication in oral, written,  
101 graphic and manual modalities;
- 102           c. Oral, pharyngeal, cervical esophageal and related functions, such as, dysphagia,  
103 including disorders of swallowing and oral functions for feeding; orofacial myofunctional  
104 disorders;
- 105           d. Cognitive aspects of communication, including communication disability and other  
106 functional disabilities associated with cognitive impairment;
- 107           e. Social aspects of communication, including challenging behavior, ineffective social  
108 skills, lack of communication opportunities;
- 109           (b) Provides consultation and counseling and makes referrals when appropriate;
- 110           (c) Trains and supports family members and other communication partners of individuals  
111 with speech, voice, language, communication and swallowing disabilities;
- 112           (d) Develops and establishes effective augmentative and alternative communication  
113 techniques and strategies, including selecting, prescribing and dispensing of argumentative aids  
114 and devices; and the training of individuals, their families and other communication partners in  
115 their use;
- 116           (e) Selects, fits and establishes effective use of appropriate prosthetic/adaptive devices  
117 for speaking and swallowing, such as tracheoesophageal valves, electrolarynges, speaking  
118 valves;
- 119           (f) Uses instrumental technology to diagnose and treat disorders of communication and  
120 swallowing, such as videofluoroscopy, nasendoscopy, ultrasonography and stroboscopy;
- 121           (g) Provides aural rehabilitative and related counseling services to individuals with  
122 hearing loss and to their families;
- 123           (h) Collaborates in the assessment of central auditory processing disorders in cases in  
124 which there is evidence of speech, language or other cognitive communication disorders;  
125 provides intervention for individuals with central auditory processing disorders;
- 126           (i) Conducts pure-tone air conduction hearing screening and screening tympanometry  
127 for the purpose of the initial identification or referral;
- 128           (j) Enhances speech and language proficiency and communication effectiveness,  
129 including but not limited to, accent reduction, collaboration with teachers of English as a second  
130 language and improvement of voice, performance and singing;
- 131           (k) Trains and supervises support personnel;
- 132           (l) Develops and manages academic and clinical programs in communication sciences  
133 and disorders;
- 134           (m) Conducts, disseminates and applies research in communication sciences and

135 disorders;

136 (n) Measures outcomes of treatment and conducts continuous evaluation of the  
137 effectiveness of practices and programs to improve and maintain quality of services;

138 (10) "Speech-language pathologist", a person who is licensed as a speech-language  
139 pathologist pursuant to sections 345.010 to 345.080; who engages in the practice of  
140 speech-language pathology as defined in sections 345.010 to 345.080;

141 (11) "Speech-language pathology aide", a person who is registered as a speech-language  
142 aide by the board, who does not act independently but works under the direction and supervision  
143 of a licensed speech-language pathologist. Such person assists the speech-language pathologist  
144 with activities which require an understanding of speech-language pathology but do not require  
145 formal training in the relevant academics. To be eligible for registration by the board, each  
146 applicant shall submit a registration fee, be of good moral and ethical character; and:

147 (a) Be at least eighteen years of age;

148 (b) Furnish evidence of the person's educational qualifications which shall be at a  
149 minimum:

150 a. Certification of graduation from an accredited high school or its equivalent; and

151 b. On-the-job training;

152 (c) Be employed in a setting in which direct and indirect supervision is provided on a  
153 regular and systematic basis by a licensed speech-language pathologist. However, the aide shall  
154 not administer or interpret hearing screening or diagnostic tests, fit or dispense hearing  
155 instruments, make ear impressions, make diagnostic statements, determine case selection, present  
156 written reports to anyone other than the supervisor without the signature of the supervisor, make  
157 referrals to other professionals or agencies, use a title other than speech-language pathology aide  
158 or clinical audiology aide, develop or modify treatment plans, discharge clients from treatment  
159 or terminate treatment, disclose clinical information, either orally or in writing, to anyone other  
160 than the supervising speech-language pathologist/audiologist, or perform any procedure for  
161 which he or she is not qualified, has not been adequately trained or both;

162 (12) "Speech-language pathology assistant", a person who is registered as a  
163 speech-language pathology assistant by the board, who does not act independently but works  
164 under the direction and supervision of a licensed speech-language pathologist and whose  
165 activities require both academic and practical training in the field of speech-language pathology  
166 although less training than those established by sections 345.010 to 345.080 as necessary for  
167 licensing as a speech-language pathologist. To be eligible for registration by the board, each  
168 applicant shall submit the registration fee, be of good moral character[;] and[:

169 (a)] furnish evidence of the person's educational qualifications which meet the following:

170 [a.] (a) Hold a bachelor's level degree in speech-language pathology [or an associate's

171 degree as a speech-language pathology assistant] from an institution accredited or approved by  
172 the Council on Academic Accreditation of the American Speech-Language-Hearing Association  
173 in the area of speech- language pathology; and

174 [b.] (b) Submit official transcripts from one or more accredited colleges or universities  
175 presenting evidence of the completion of bachelor's [or associate's] level course work and clinical  
176 practicum requirements equivalent to that required or approved by the Council on Academic  
177 Accreditation of the American Speech-Language-Hearing Association[;

178 (b) The requirements of paragraph (a) of this subdivision shall be the minimum  
179 requirements for a speech-language pathology assistant until January 1, 2005. After January 1,  
180 2005, to be eligible for registration by the board, each applicant shall submit the registration fee,  
181 be of good moral character and furnish evidence of the person's educational qualifications which  
182 meet the following:

183 a. Hold a minimum of an associate's degree as a speech-language pathology assistant  
184 from an institution accredited or approved by the Council on Academic Accreditation of the  
185 American Speech-Language-Hearing Association; and

186 b. Submit official transcripts from one or more accredited colleges or universities  
187 presenting evidence of the completion of course work and clinical practicum requirements  
188 equivalent to that required or approved by the Council on Academic Accreditation of the  
189 American Speech-Language- Hearing Association;

190 (c) Furnish evidence of successful completion of a uniform, functionally based  
191 proficiency evaluation as determined by the board;

192 (d) The individuals meeting the requirements prior to January 1, 2005, may be granted  
193 continued registration from the board provided the individual meets the following:

194 a. Furnish evidence of employment in which direct and indirect supervision have been  
195 provided on a regular and systematic basis by a licensed speech-language pathologist; and

196 b. The individual is in good standing with the board with regard to practice prior to  
197 January 1, 2005].

346.135. 1. All fees and charges payable pursuant to this chapter shall be collected by  
2 the division and transmitted to the department of revenue for deposit in the state treasury to the  
3 credit of the fund to be known as the "Hearing Instrument Specialist Fund", which is hereby  
4 created. Money in the hearing instrument specialist fund shall be available by appropriation to  
5 the council to pay its expenses in administering sections 346.010 to 346.250.

6 2. Money in the hearing instrument specialist fund shall not be transferred and placed  
7 to the credit of general revenue until the amount in the fund at the end of the biennium exceeds  
8 two times the amount of the appropriation from the council's funds for the preceding fiscal  
9 year **or, if the division requires by rule renewal less frequently than yearly then three times**



10 **the appropriation from the fund for the preceding fiscal year.** The amount, if any, in the  
11 fund which shall lapse is that amount in the fund which exceeds the appropriate multiple of the  
12 appropriation from the council's funds for the preceding year.

**374.695. Sections 374.695 to 374.789 may be known and shall be cited as the**  
2 **"Professional Bail Bondsman and Surety Recovery Agent Licensure Act".**

**436.215. Sections 436.215 to 436.272 may be cited as the "Uniform Athlete Agents**  
2 **Act".**

**436.218. As used in sections 436.215 to 436.272, the following terms mean:**

2 **(1) "Agency contract", an agreement in which a student-athlete authorizes a person**  
3 **to negotiate or solicit on behalf of the student-athlete a professional-sports-services**  
4 **contract or an endorsement contract;**

5 **(2) "Athlete agent", an individual who enters into an agency contract with a**  
6 **student-athlete or directly or indirectly recruits or solicits a student-athlete to enter into**  
7 **an agency contract. The term does not include a spouse, parent, sibling, grandparent, or**  
8 **guardian of the student-athlete or an individual acting solely on behalf of a professional**  
9 **sports team or professional sports organization. The term includes an individual who**  
10 **represents to the public that the individual is an athlete agent;**

11 **(3) "Athletic director", an individual responsible for administering the overall**  
12 **athletic program of an educational institution or if an educational institution has**  
13 **separately administered athletic programs for male students and female students, the**  
14 **athletic program for males or the athletic program for females, as appropriate;**

15 **(4) "Contact", a direct or indirect communication between an athlete agent and a**  
16 **student-athlete to recruit or solicit the student-athlete to enter into an agency contract;**

17 **(5) "Director", the director of the division of professional registration;**

18 **(6) "Division", the division of professional registration;**

19 **(7) "Endorsement contract", an agreement under which a student-athlete is**  
20 **employed or receives consideration to use on behalf of the other party any value that the**  
21 **student-athlete may have because of publicity, reputation, following, or fame obtained**  
22 **because of athletic ability or performance;**

23 **(8) "Intercollegiate sport", a sport played at the collegiate level for which eligibility**  
24 **requirements for participation by a student-athlete are established by a national**  
25 **association for the promotion or regulation of collegiate athletics;**

26 **(9) "Person", an individual, corporation, business trust, estate, trust, partnership,**  
27 **limited liability company, association, joint venture, government, governmental**  
28 **subdivision, agency, or instrumentality, public corporation, or any other legal or**  
29 **commercial entity;**

30           **(10) "Professional-sports-services contract", an agreement under which an**  
31 **individual is employed or agrees to render services as a player on a professional sports**  
32 **team, with a professional sports organization, or as a professional athlete;**

33           **(11) "Record", information that is inscribed on a tangible medium or that is stored**  
34 **in an electronic or other medium and is retrievable in perceivable form;**

35           **(12) "Registration", registration as an athlete agent under sections 436.215 to**  
36 **436.272;**

37           **(13) "State", a state of the United States, the District of Columbia, Puerto Rico, the**  
38 **United States Virgin Islands, or any territory or insular possession subject to the**  
39 **jurisdiction of the United States;**

40           **(14) "Student-athlete", an individual who engages in, is eligible to engage in, or**  
41 **may be eligible in the future to engage in, any intercollegiate sport. If an individual is**  
42 **permanently ineligible to participate in a particular intercollegiate sport the individual is**  
43 **not a student-athlete for purposes of that sport.**

**436.221. 1. The director shall administer the provisions of sections 436.215 to**  
2 **436.272.**

3           **2. By engaging in the business of an athlete agent in this state, a nonresident**  
4 **individual appoints the director as the individual's agent to accept service of process in any**  
5 **civil action related to the individual's business as an athlete agent in this state.**

6           **3. The director may subpoena witnesses, issue subpoenas duces tecum and require**  
7 **production of documents and records. Subpoenas including subpoenas duces tecum shall**  
8 **be served by a person authorized to serve subpoenas of courts of record. In lieu of**  
9 **requiring attendance of a person to produce original documents in response to a subpoena**  
10 **duces tecum, the board may require sworn copies of such documents to be filed with it or**  
11 **delivered to its designated representative.**

12           **4. The director may enforce its subpoenas including subpoenas duces tecum by**  
13 **applying to a circuit court of Cole County, the county of the investigation, hearing or**  
14 **proceeding, or any county where the person resides or may be found for an order upon any**  
15 **person who shall fail to obey a subpoena to show cause why such subpoena should not be**  
16 **enforced, which such order and a copy of the application therefore shall be served upon**  
17 **the person in the same manner as a summons in a civil action and if the circuit court shall**  
18 **after a hearing determine that the subpoena should be sustained and enforced such court**  
19 **shall proceed to enforce the subpoena in the same manner as though the subpoena had**  
20 **been issued in a civil case in the circuit court.**

**436.224. 1. Except as otherwise provided in subsection 2 of this section, an**  
2 **individual may not act as an athlete agent in this state before being issued a certificate of**

3 registration under section 436.230 or 436.236.

4       **2. An individual with a temporary license under section 436.236 may act as an**  
5 **athlete agent before being issued a certificate of registration for all purposes except signing**  
6 **an agency contract if:**

7       **(1) A student-athlete or another acting on behalf of the student-athlete initiates**  
8 **communication with the individual; and**

9       **(2) Within seven days after an initial act as an athlete agent, the individual submits**  
10 **an application to register as an athlete agent in this state.**

11       **3. An agency contract resulting from conduct in violation of this section is void.**  
12 **The athlete agent shall return any consideration received under the contract.**

**436.227. 1. An applicant for registration shall submit an application for**  
2 **registration to the director in a form prescribed by the director. The application must be**  
3 **in the name of an individual and signed by the applicant under penalty of perjury and**  
4 **must state or contain:**

5       **(1) The name of the applicant and the address of the applicant's principal place of**  
6 **business;**

7       **(2) The name of the applicant's business or employer, if applicable;**

8       **(3) Any business or occupation engaged in by the applicant for the five years next**  
9 **preceding the date of submission of the application;**

10       **(4) A description of the applicant's:**

11       **(a) Formal training as an athlete agent;**

12       **(b) Practical experience as an athlete agent; and**

13       **(c) Educational background relating to the applicant's activities as an athlete agent;**

14       **(5) The names and addresses of three individuals not related to the applicant who**  
15 **are willing to serve as references;**

16       **(6) The name, sport, and last known team for each individual for whom the**  
17 **applicant provided services as an athlete agent during the five years next preceding the**  
18 **date of submission of the application;**

19       **(7) The names and addresses of all persons who are:**

20       **(a) With respect to the athlete agent's business if it is not a corporation, the**  
21 **partners, officers, associates, or profit-sharers; and**

22       **(b) With respect to a corporation employing the athlete agent, the officers,**  
23 **directors, and any shareholder of the corporation with a five percent or greater interest;**

24       **(8) Whether the applicant or any other person named under subdivision (7) of this**  
25 **subsection has been convicted of a crime that if committed in this state would be a felony**  
26 **or other crime involving moral turpitude, and a description of the crime;**

27           **(9) Whether there has been any administrative or judicial determination that the**  
28 **applicant or any other person named under subdivision (7) of this subsection has made a**  
29 **false, misleading, deceptive, or fraudulent representation;**

30           **(10) Any instance in which the prior conduct of the applicant or any other person**  
31 **named under subdivision (7) of this subsection resulted in the imposition of a sanction,**  
32 **suspension, or declaration of ineligibility to participate in an interscholastic or**  
33 **intercollegiate athletic event on a student-athlete or educational institution;**

34           **(11) Any sanction, suspension, or disciplinary action taken against the applicant**  
35 **or any other person named under subdivision (7) of this subsection arising out of**  
36 **occupational or professional conduct; and**

37           **(12) Whether there has been any denial of an application for, suspension or**  
38 **revocation of, or refusal to renew, the registration or licensure of the applicant or any other**  
39 **person named under subdivision (7) of this subsection as an athlete agent in any state.**

**436.230. 1. Except as otherwise provided in subsection 2 of this section, the director**  
2 **shall issue a certificate of registration to an individual who complies with subsection 1 of**  
3 **section 436.227.**

4           **2. The director may refuse to issue a certificate of registration if the director**  
5 **determines that the applicant has engaged in conduct that has a significant adverse effect**  
6 **on the applicant's fitness to serve as an athlete agent. In making the determination, the**  
7 **director may consider whether the applicant has:**

8           **(1) Been convicted of a crime that if committed in this state would be a felony or**  
9 **other crime involving moral turpitude;**

10           **(2) Made a materially false, misleading, deceptive, or fraudulent representation as**  
11 **an athlete agent or in the application;**

12           **(3) Engaged in conduct that would disqualify the applicant from serving in a**  
13 **fiduciary capacity;**

14           **(4) Engaged in conduct prohibited by section 436.254;**

15           **(5) Had a registration or licensure as an athlete agent suspended, revoked, or**  
16 **denied or been refused renewal of registration or licensure in any state;**

17           **(6) Engaged in conduct or failed to engage in conduct the consequence of which was**  
18 **that a sanction, suspension, or declaration of ineligibility to participate in an interscholastic**  
19 **or intercollegiate athletic event was imposed on a student-athlete or educational institution;**  
20 **or**

21           **(7) Engaged in conduct that significantly adversely reflects on the applicant's**  
22 **credibility, honesty, or integrity.**

23           **4. In making a determination under subsection 3 of this section, the director shall**

24 **consider:**

25 **(1) How recently the conduct occurred;**

26 **(2) The nature of the conduct and the context in which it occurred; and**

27 **(3) Any other relevant conduct of the applicant.**

28 **5. An athlete agent may apply to renew a registration by submitting an application**  
29 **for renewal in a form prescribed by the director. The application for renewal must be**  
30 **signed by the applicant under penalty of perjury under section 575.040, RSMo, and shall**  
31 **contain current information on all matters required in an original registration.**

32 **6. A certificate of registration or a renewal of a registration is valid for two years.**

**436.233. 1. The director may revoke, suspend, or refuse to renew any certificate**  
2 **of registration required under this chapter for one or any combination of causes stated in**  
3 **subsection 2 of this section. The director shall notify the applicant in writing of the reasons**  
4 **for the refusal and shall advise the applicant of the applicant's right to file a complaint**  
5 **with the administrative hearing commission as provided by chapter 621, RSMo.**

6 **2. The director may cause a complaint to be filed with the administrative hearing**  
7 **commission as provided by chapter 621, RSMo, against any holder of any certificate of**  
8 **registration required by this chapter or any person who has failed to renew or has**  
9 **surrendered the person's certificate of registration for any one or any combination of the**  
10 **following causes:**

11 **(1) The person has been finally adjudicated and found guilty, or entered a plea of**  
12 **guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the**  
13 **United States, for any offense reasonably related to the qualifications, functions or duties**  
14 **under this chapter, for any offense an essential element of which is fraud, dishonesty or an**  
15 **act of violence, or for any offense involving moral turpitude, whether or not sentence is**  
16 **imposed;**

17 **(2) Use of fraud, deception, misrepresentation or bribery in securing any certificate**  
18 **of registration under this chapter;**

19 **(3) Misconduct, fraud, misrepresentation, dishonesty, unethical conduct or**  
20 **unprofessional conduct in the performance of the functions regulated by this chapter**  
21 **including but not limited to the following:**

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

24 **(b) Attempting directly or indirectly by way of intimidation, coercion or deception,**  
25 **to obtain consultation;**

26 **(c) Failure to comply with any subpoena or subpoena duces tecum from the**  
27 **director;**

28           **(d) Failing to inform the director of the athlete agent's current residence and**  
29 **business address;**

30           **(4) Violation of, or attempting to violate, directly or indirectly, or assisting or**  
31 **enabling any person to violate, any provision of this chapter, or of any lawful rule or**  
32 **regulation adopted under this chapter;**

33           **(5) Impersonation of any person holding a certificate of registration or allowing any**  
34 **person to use his or her certificate of registration;**

35           **(6) Violation of the drug laws or rules and regulations of this state, any other state,**  
36 **or the federal government;**

37           **(7) Knowingly making, or causing to be made, or aiding, or abetting in the making**  
38 **of, a false statement in any birth or other certificate or document executed in connection**  
39 **with the transaction;**

40           **(8) Soliciting patronage in person, by agents, by representatives, or by any other**  
41 **means or manner, under the person's own name or under the name of another person or**  
42 **concern, actual or pretended in such a manner as to confuse, deceive, or mislead the**  
43 **public;**

44           **(9) A pattern of personal use or consumption of any controlled substance unless it**  
45 **is prescribed, dispensed or administered by a physician who is authorized by law to do so.**

46           **3. After the filing of such complaint before the administrative hearing commission,**  
47 **the proceedings shall be conducted in accordance with the provisions of chapter 621,**  
48 **RSMo. Upon a finding by the administrative hearing commission that the grounds**  
49 **provided in subsection 2 of this section for disciplinary action are met the director may**  
50 **singly or in combination warn, censure, or place the person named in the complaint on**  
51 **probation on such terms and conditions as the director deems appropriate for a period not**  
52 **to exceed six months, or may suspend the person's certificate of registration period not to**  
53 **exceed one year, or restrict or limit the person's certificate of registration for an indefinite**  
54 **period of time, or revoke the person's certificate of registration.**

55           **4. In any order of revocation, the director may provide that the person may not**  
56 **apply for reinstatement of the person's certificate of registration for a period of time**  
57 **ranging from two to seven years following the date of the order of revocation. All stay**  
58 **orders shall toll this time period.**

**436.236. The director may issue a temporary certificate of registration valid for**  
2 **sixty days while an application for registration or renewal is pending.**

**436.239. 1. An application for registration or renewal of registration shall be**  
2 **accompanied by a fee which shall be determined by the director and established by rule.**  
3 **All fees payable under the provisions of this section shall be collected by the division of**

4 professional registration and transmitted to the department of revenue for deposit in the  
5 state treasury to the credit of the fund to be known as the "Athlete Agent Fund" which is  
6 hereby established. The provisions of section 33.080, RSMo, to the contrary  
7 notwithstanding, money in the athlete agent fund shall not be transferred and placed to the  
8 credit of general revenue until the amount in the athlete agent fund at the end of the  
9 biennium exceeds two times the amount of the appropriations from such fund for the  
10 preceding fiscal year or, if the director allows renewal of registration less frequently than  
11 yearly, then three times the appropriations from such fund for the preceding fiscal year;  
12 provided that no amount from such fund may be transferred to the credit of general  
13 revenue earlier than two years following the effective date of this section. The amount if  
14 any which may be transferred to the credit of general revenue after two years following the  
15 effective date of this section is that amount in the athlete agent fund which exceeds the  
16 appropriate multiple of the appropriations from such fund for the preceding fiscal year.

17 2. The director may promulgate rules to authorize and file athlete agent documents  
18 as that term is defined in section 536.010, RSMo. Any rule promulgated under the  
19 authority in this section shall become effective only if it complies with and is subject to all  
20 of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This  
21 section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the  
22 general assembly under chapter 536, RSMo, to review, to delay the effective date, or to  
23 disapprove and annul a rule are subsequently held unconstitutional then the grant of  
24 rulemaking authority and any rule proposed or adopted after August 28, 2003, shall be  
25 invalid and void.

436.242. 1. An agency contract must be in a record signed by the parties.

2 2. An agency contract must state or contain:

3 (1) The amount and method of calculating the consideration to be paid by the  
4 student-athlete for services to be provided by the athlete agent under the contract and any  
5 other consideration the athlete agent has received or will receive from any other source for  
6 entering into the contract or for providing the services;

7 (2) The name of any person not listed in the application for registration or renewal  
8 who will be compensated because the student-athlete signed the agency contract;

9 (3) A description of any expenses that the student-athlete agrees to reimburse;

10 (4) A description of the services to be provided to the student-athlete;

11 (5) The duration of the contract; and

12 (6) The date of execution.

13 3. An agency contract shall contain in close proximity to the signature of the  
14 student-athlete a conspicuous notice in boldface type in capital letters stating:

15 **"WARNING TO STUDENT-ATHLETE IF YOU SIGN THIS CONTRACT: (1) YOU**  
16 **MAY LOSE YOUR ELIGIBILITY TO COMPETE AS A STUDENT-ATHLETE IN**  
17 **YOUR SPORT; (2) BOTH YOU AND YOUR ATHLETE AGENT ARE REQUIRED TO**  
18 **TELL YOUR ATHLETIC DIRECTOR, IF YOU HAVE AN ATHLETIC DIRECTOR,**  
19 **WITHIN 72 HOURS AFTER ENTERING INTO AN AGENCY CONTRACT; AND (3)**  
20 **YOU MAY CANCEL THIS CONTRACT WITHIN 14 DAYS AFTER SIGNING IT.**  
21 **CANCELLATION OF THE CONTRACT MAY NOT REINSTATE YOUR**  
22 **ELIGIBILITY."**

23 **4. An agency contract that does not conform to this section is voidable by the**  
24 **student-athlete.**

25 **5. The athlete agent shall give a copy of the signed agency contract to the student-**  
26 **athlete at the time of signing.**

**436.245. 1. Within seventy-two hours after entering into an agency contract or**  
2 **before the next scheduled athletic event in which the student-athlete may participate**  
3 **whichever occurs first the athlete agent shall give notice in writing of the existence of the**  
4 **contract to the athletic director of the educational institution at which the student-athlete**  
5 **is enrolled or the athlete agent has reasonable grounds to believe the student-athlete**  
6 **intends to enroll.**

7 **2. Within seventy-two hours after entering into an agency contract or before the**  
8 **next athletic event in which the student-athlete may participate whichever occurs first the**  
9 **student-athlete shall in writing inform the athletic director of the educational institution**  
10 **at which the student-athlete is enrolled that he or she has entered into an agency contract.**

**436.248. 1. A student-athlete may cancel an agency contract by giving notice in**  
2 **writing to the athlete agent of the cancellation within fourteen days after the contract is**  
3 **signed.**

4 **2. A student-athlete may not waive the right to cancel an agency contract.**

5 **3. If a student-athlete cancels an agency contract within fourteen days of signing**  
6 **the contract, the student-athlete is not required to pay any consideration under the**  
7 **contract or to return any consideration received from the agent to induce the student-**  
8 **athlete to enter into the contract.**

**436.251. 1. An athlete agent shall retain the following records for a period of five**  
2 **years:**

3 **(1) The name and address of each individual represented by the athlete agent;**

4 **(2) Any agency contract entered into by the athlete agent; and**

5 **(3) Any direct costs incurred by the athlete agent in the recruitment or solicitation**  
6 **of a student-athlete.**



7           **2. Records required by subsection 1 of this section to be retained are open to**  
8 **inspection by the director during normal business hours.**

**436.254. 1. An athlete agent may not do any of the following with the intent to**  
2 **induce a student-athlete to enter into an agency contract:**

3           **(1) Give any materially false or misleading information or make a materially false**  
4 **promise or representation;**

5           **(2) Furnish anything of value to a student-athlete before the student-athlete enters**  
6 **into the agency contract; or**

7           **(3) Furnish anything of value to any individual other than the student-athlete or**  
8 **another registered athlete agent.**

9           **2. An athlete agent may not intentionally:**

10          **(1) Initiate contact with a student-athlete unless registered under sections 436.215**  
11 **to 436.272;**

12          **(2) Refuse or willfully fail to retain or permit inspection of the records required by**  
13 **section 436.251;**

14          **(3) Violate section 436.224 by failing to register;**

15          **(4) Provide materially false or misleading information in an application for**  
16 **registration or renewal of registration;**

17          **(5) Predate or postdate an agency contract; or**

18          **(6) Fail to notify a student-athlete prior to the student athlete's signing an agency**  
19 **contract for a particular sport that the signing by the student-athlete may make the**  
20 **student-athlete ineligible to participate as a student-athlete in that sport.**

**436.257. The commission of any act prohibited by section 436.254 by an athlete**  
2 **agent is a class B misdemeanor.**

**436.260. 1. An educational institution has a right of action against an athlete agent**  
2 **or a former student-athlete for damages caused by a violation of sections 436.215 to**  
3 **436.272. In an action under this section, the court may award to the prevailing party costs**  
4 **and reasonable attorney's fees.**

5           **2. Damages of an educational institution under subsection 1 of this section include**  
6 **losses and expenses incurred because as a result of the activities of an athlete agent or**  
7 **former student-athlete the educational institution was injured by a violation of sections**  
8 **436.215 to 436.272 or was penalized, disqualified, or suspended from participation in**  
9 **athletics by a national association for the promotion and regulation of athletics, by an**  
10 **athletic conference, or by reasonable self-imposed disciplinary action taken to mitigate**  
11 **sanctions.**

12          **3. A right of action under this section does not accrue until the educational**

13 **institution discovers or by the exercise of reasonable diligence would have discovered the**  
14 **violation by the athlete agent or former student-athlete.**

15 **4. Any liability of the athlete agent or the former student-athlete under this section**  
16 **is several and not joint.**

17 **5. Sections 436.215 to 436.272 do not restrict rights, remedies, or defenses of any**  
18 **person under law or equity.**

**436.263. Any person who violates any provisions of sections 436.215 to 436.269 is**  
2 **guilty of a class A misdemeanor.**

**436.266. In applying and construing sections 436.215 to 436.272, consideration must**  
2 **be given to the need to promote uniformity of the law with respect to the subject matter of**  
3 **sections 436.215 to 436.272 among states that enact it.**

**436.269. If any provision of sections 436.215 to 436.272 or its application to any**  
2 **person or circumstance is held invalid, the invalidity does not affect other provisions or**  
3 **applications of sections 436.215 to 436.272 which can be given effect without the invalid**  
4 **provision or application, and to this end the provisions of sections 436.215 to 436.272 are**  
5 **severable.**

**436.272. Any moneys collected by the director under section 436.263 shall**  
2 **immediately be transferred to the department of revenue for deposit in the state treasury**  
3 **to the credit of general revenue.**

620.127. Notwithstanding any provision of law to the contrary, every application for a  
2 license, certificate, **registration**, or permit, or renewal of a license, certificate, **registration**, or  
3 permit issued in this state shall contain the Social Security number of the applicant. **This**  
4 **provision shall not apply to an original application for a license, certificate, registration,**  
5 **or permit submitted by a citizen of a foreign country who has never been issued a Social**  
6 **Security number and who previously has not been licensed by any other state, United**  
7 **States territory, or federal agency. A citizen of a foreign country applying for licensure**  
8 **with the division of professional registration shall be required to submit his or her visa or**  
9 **passport identification number in lieu of the Social Security number.**

620.145. [1.] The division of professional registration shall maintain, for each board in  
2 the division, a registry of each person holding a current license, permit or certificate issued by  
3 that board. The registry shall contain the name, Social Security number and address of each  
4 person licensed or registered together with other relevant information as determined by the  
5 board. The registry for each board shall at all times be available to the board and copies shall  
6 be supplied to the board on request. Copies of the registry, except for the registrant's Social  
7 Security number, shall be available from the division or the board to any individual who pays  
8 the reasonable copying cost. Any individual may copy the registry during regular business hours.

9 The information in the registry shall be furnished upon request to the division of child support  
10 enforcement. Questions concerning the currency of license of any individual shall be answered,  
11 without charge, by the appropriate board. Each year each board may publish, or cause to be  
12 published, a directory containing the name and address of each person licensed or registered for  
13 the current year together with any other information the board deems necessary. Any expense  
14 incurred by the state relating to such publication shall be charged to the board. An official copy  
15 of any such publication shall be filed with the director of the department of economic  
16 development.

17 [2. Notwithstanding any provision of law to the contrary, each board shall require each  
18 person applying for a license, permit or certificate, or a renewal of a license, permit or certificate  
19 to furnish the board with the applicant's Social Security number.]

[339.600. 1. As used in sections 339.600 to 339.610, the  
2 following terms mean:

3 (1) "Commission", the Missouri real estate commission;

4 (2) "Escrow agent", any person, partnership, association or  
5 corporation, foreign or domestic, who performs any of the following  
6 functions: closings or settlements or any function related thereto in  
7 sales, exchanges or other transfers of real property.

8 2. A person or entity who meets the definition of escrow  
9 agent as provided in subsection 1 of this section is exempt from the  
10 provisions of sections 339.600 to 339.610 if such person is:

11 (1) A person or entity doing business under the laws of this  
12 state or the United States as a bank, trust company, savings and loan  
13 association, credit union, commercial or consumer finance company,  
14 industrial loan company, insurance company or title insurance  
15 company or title insurance agency;

16 (2) An attorney at law;

17 (3) A person or entity licensed pursuant to this chapter  
18 rendering services in the performance of his or her duties as a real  
19 estate broker or salesperson;

20 (4) A mortgage loan company which is subject to licensing,  
21 supervision or auditing by the Federal National Mortgage Association  
22 or the Federal Home Loan Mortgage Corporation or the United States  
23 Veterans' Administration or the Government National Mortgage  
24 Association or the United States Department of Housing and Urban  
25 Development or a successor of any of such agencies or entities, as an  
26 approved seller or servicer; or

27 (5) The United States, the state of Missouri or any state, any  
28 political subdivision of this state or any agency, division or corporate  
29 instrumentality thereof.]  
30

2 [339.603. 1. It is unlawful for any person, partnership,  
3 association or corporation, foreign or domestic, to act as an escrow  
4 agent, or to advertise or attempt to act as such without being properly  
5 registered with the commission.

6 2. Upon application by the commission and upon proof by a  
7 preponderance of the evidence, a court of general jurisdiction may  
8 grant an injunction, restraining order or other order as may be  
9 appropriate to enjoin a person from unlawfully engaging or  
10 attempting to engage in the activities identified in sections 339.600  
11 to 339.610.]

2 [339.605. 1. A person, partnership, association or  
3 corporation, incorporated pursuant to the laws of Missouri, may be  
4 registered as an escrow agent pursuant to sections 339.600 to  
5 339.610, if such person, partners of the partnership, members of the  
6 association or officers of the corporation are at least eighteen years of  
7 age, of good moral character and are competent to transact the  
8 business of an escrow agent in such manner as to safeguard the  
9 interest of the public. The commission shall require proof that such  
10 persons meet the qualifications as provided in this subsection.

11 2. A corporation, partnership or association may be registered  
12 if every partner of the partnership, every member of the association,  
13 or every officer of the corporation who actively participates in its  
14 escrow business has been registered and the corporation, partnership  
15 or association has paid all the required fees.

16 3. Applications for registration shall be submitted in writing  
17 on forms furnished by the commission and accompanied by such  
18 information and recommendations as the commission may require.

19 4. The commission may refuse to register any person,  
20 partnership, association or corporation if the person, partner, member  
21 or a direct or indirect controlling stockholder has been found guilty  
22 of, or pleaded guilty to, stealing, forgery, embezzlement, obtaining  
23 money under false pretenses, extortion, criminal conspiracy to  
24 defraud or any similar offense.]

2 [339.606. The commission may promulgate rules and  
3 regulations and perform all duties necessary for carrying out the  
4 provisions of sections 339.600 to 339.610. The commission shall set  
5 the amount of the fees which are authorized pursuant to sections  
6 339.600 to 339.610 by rules and regulations promulgated pursuant to  
7 section 536.021, RSMo. The fees shall be set at a level to produce  
8 revenue which shall not substantially exceed the cost and expense of  
administering sections 339.600 to 339.610.]

2 [339.607. Each registration granted pursuant to sections  
3 339.600 to 339.610 shall be renewed every two years and the  
4 commission shall issue a new registration upon receipt of a proper  
5 renewal application and the  
required renewal fee.]

2 [339.608. The fees collected pursuant to the provisions of  
3 sections 339.600 to 339.610 shall be collected by the Missouri real  
4 estate commission and shall be sent to the director of the department  
5 of revenue for deposit in the state treasury in the "Escrow Agent  
6 Administration Fund" which is hereby created. The commission shall  
7 administer the fund and shall use the moneys in the fund solely for the  
8 administration and enforcement of sections 339.600 to 339.610.  
9 Notwithstanding the provisions of section 33.080, RSMo, to the  
10 contrary, any unexpended balance in the fund at the end of the  
11 biennium shall not be transferred to the general revenue fund, but  
shall remain in the escrow agent administration fund.]

2 [339.610. Any funds received by an escrow agent from any  
3 person that are to be used for third-party expenses shall be deposited  
4 no later than five banking days after receipt in an escrow account in  
5 any federally insured bank, savings and loan association or credit  
6 union. The funds in such escrow account shall be expended for the  
7 intended use by the escrow agent within ninety days after the  
obligations of the third party have been completed.]

2 [339.612. The commission or its designated agent may  
3 inspect and audit the escrow accounts or accounting records of any  
4 escrow agent at any time during normal business hours to determine  
5 if escrow funds are being expended and disbursed in a timely fashion  
6 and for the intended use. If the commission determines that such  
7 escrow funds have been used for any purpose other than the intended  
8 purposes, the escrow agent is liable to the intended payee of the funds  
9 for any misappropriated funds and the Missouri real estate  
10 commission shall cause legal proceedings to be held in any court of  
11 competent jurisdiction to enforce the provisions of this section and  
12 sections 339.610, 339.614, and 339.617. The commission's authority  
13 to instigate legal proceedings to enforce the provisions of this section  
14 is in addition to the authority to file a complaint with the  
administrative hearing commission.]

[339.614. The records of any inspection or audit made

2           pursuant to the authority in section 339.612 shall be made available  
3           to the escrow agent and the parties to the transaction but shall not be  
4           considered open to the public unless public money is directly  
5           involved or a court of competent jurisdiction orders that such records  
6           be opened.]

          [339.617. 1. The commission may, upon its own motion or  
2           upon a written complaint filed by any person, investigate any business  
3           transaction, regulated by the provisions of sections 339.600 to  
4           339.610, of any person, partnership, association or corporation  
5           registered pursuant to the provisions of sections 339.600 to 339.610.  
6           The commission may use all investigatory and subpoena powers  
7           provided in section 339.100 in investigating such business  
8           transaction. The commission may file a complaint with the  
9           administrative hearing commission and the proceedings shall be  
10          conducted as provided in chapter 621, RSMo. If the administrative  
11          hearing commission finds that the escrow agent is not in compliance  
12          with sections 339.610 to 339.617 or is operating in an unsafe or  
13          unsound manner, the commission may cancel the registration of such  
14          escrow agent. If the registration of any escrow agent is canceled  
15          pursuant to this subsection, such escrow agent may not accept any  
16          referral of business which is regulated by the provisions of sections  
17          339.600 to 339.610.

18                   2. No real estate licensee may knowingly refer escrow or real  
19                   estate closing business to any escrow agent which does not hold a  
20                   current registration pursuant to sections 339.600 to 339.610.]

          [436.200. As used in this act the following terms shall mean:  
2           (1) "Agent contract", any contract or agreement pursuant to  
3           which a student athlete authorizes an athlete agent to represent him  
4           in the marketing of his athletic ability or reputation in a sport;  
5           (2) "Athlete agent", a person that, for compensation, directly  
6           or indirectly recruits or solicits a student athlete to enter into an agent  
7           contract, financial services contract or professional sports services  
8           contract;  
9           (3) "Financial services contract", any contract or agreement  
10          pursuant to which a student athlete authorizes an athlete agent to  
11          provide financial services for the student athlete, including but not  
12          limited to the making and execution of investment and other financial  
13          decisions by the athlete agent on behalf of the student athlete;  
14          (4) "Person", an individual, company, corporation,  
15          association, partnership or other entity;

16 (5) "Professional sports services contract", any contract or  
17 agreement pursuant to which a student athlete authorizes an athlete  
18 agent to obtain employment for the student athlete with a professional  
19 sports team or as a professional athlete;

20 (6) "Student athlete", any athlete who practices for or  
21 otherwise participates in intercollegiate athletics at any college or  
22 university located within this state.]

2 [436.205. 1. Each athlete agent must register biennially with  
3 the secretary of state on forms to be provided by the secretary of state  
4 and, at the same time, pay to the secretary of state a registration fee  
5 of five hundred dollars for which the secretary of state shall issue a  
6 registration certificate entitling the holder to operate as an athlete  
7 agent for a period of two years.

8 2. When the business address of any athlete agent operating  
9 in this state is changed, the athlete agent must notify the secretary of  
10 state within thirty days after the change of address.

11 3. It is unlawful for any person to operate as an athlete agent  
12 unless he is registered as provided in this section. Failure of the  
13 athlete agent to register is a class B misdemeanor.

14 4. The secretary of state may suspend or revoke the  
15 registration of any athlete agent for failing to comply with the  
16 provisions of this section. The suspension or revocation of any  
17 registration may be reviewed by a court of competent jurisdiction.]

18 [436.209. 1. A student athlete who is subject to the rules and  
19 regulations of the National Collegiate Athletic Association, the  
20 National Association for Intercollegiate Athletics, or the National  
21 Junior College Athletic Association, and who enters into an agent  
22 contract, financial services contract or professional sports services  
23 contract with an athlete agent must provide written notification to the  
24 athletic director or the president of the college or university in which  
25 he is enrolled that he has entered into such a contract. Written  
26 notification must be given prior to practicing for or participating in  
27 any athletic event on behalf of any college or university or within  
28 seventy-two hours after entering into the contract, whichever occurs  
29 first. Failure of the student athlete to provide this notification is an  
30 infraction.

31 2. An athlete agent who enters into an agent contract,  
32 financial services contract or professional sports services contract  
33 with a student athlete who is subject to the rules and regulations of  
34 the National Collegiate Athletic Association, the National  
35 Association for Intercollegiate Athletics, or the National Junior

36 College Athletic Association must provide written notification to the  
37 athletic director or the president of the college or university in which  
38 the student athlete is enrolled that the student athlete has entered into  
39 such a contract. Written notification of such a contract must be given  
40 prior to the student athlete's practicing for or participating in any  
41 athletic event on behalf of any college or university or within  
42 seventy-two hours after entering into said contract, whichever occurs  
43 first. Failure of the athlete agent to provide this notification is a class  
44 B misdemeanor.

45 3. An agent contract, financial services contract or  
46 professional sports services contract between a student athlete and an  
47 athlete agent must have a notice printed near the space for the student  
48 athlete's signature which must contain the following statement in  
49 ten-point boldfaced type: "WARNING: IF YOU AS A STUDENT  
50 ATHLETE SIGN THIS CONTRACT, YOU MAY LOSE YOUR  
51 ELIGIBILITY TO COMPETE IN INTERCOLLEGIATE  
52 ATHLETICS. Pursuant to MISSOURI LAW, YOU MUST NOTIFY  
53 THE ATHLETIC DIRECTOR OR PRESIDENT OF YOUR  
54 COLLEGE OR UNIVERSITY IN WRITING PRIOR TO  
55 PRACTICING FOR OR PARTICIPATING IN ANY ATHLETIC  
56 EVENT ON BEHALF OF ANY COLLEGE OR UNIVERSITY OR  
57 WITHIN SEVENTY-TWO HOURS AFTER ENTERING INTO  
58 THIS CONTRACT, WHICHEVER OCCURS FIRST. FAILURE TO  
59 PROVIDE THIS NOTICE IS A CRIMINAL OFFENSE."

60 4. An agent contract, financial services contract or  
61 professional sports services contract entered into between a student  
62 athlete and an athlete agent which fails to provide the notification  
63 required by this section is null, void and unenforceable. 5. Any  
64 student athlete or athlete agent who enters into an agent contract,  
65 financial services contract or professional sports services contract and  
66 fails to provide the notification required by this section, is liable to  
67 the college or university in which the student athlete is enrolled for  
68 damages that result from the student athlete's subsequent ineligibility.  
69 In addition to any damages awarded pursuant to this section,  
70 additional damages may be assessed in an amount equal to three  
71 times the value of the athletic scholarship furnished by the institution  
72 to the student athlete during the student athlete's period of eligibility.

73  
74 6. Within ten days after the date on which the contractual  
75 relationship between the athlete agent and the student athlete arises  
76 or after notification of such contractual relationship is received by the  
77 athletic director or president of the college or university in which the  
78 student is enrolled, whichever occurs later, the student athlete shall



79 have the right to rescind the contract or any contractual relationship  
80 with the athlete agent by giving notice in writing of his intent to  
81 rescind. The student athlete may not under any circumstances effect  
82 a waiver of his right to rescind, and any attempt to do so shall be null,  
83 void and unenforceable.]

2 [436.212. 1. An athlete agent shall not publish or cause to be  
3 published false or misleading information or advertisements, nor give  
4 any false information or make false promises to a student athlete  
5 concerning employment.

6 2. An athlete agent shall not accept as a client a student  
7 athlete referred by an employee of or a coach for a college or  
8 university located within this state in exchange for any consideration.

9 3. An athlete agent shall not enter into any agreement, written  
10 or oral, by which the athlete agent offers anything of value to any  
11 employee of or a coach for a college or university located within this  
12 state in return for the referral of any student athlete clients by that  
13 employee or coach.

14 4. An athlete agent shall not offer anything of value to induce  
15 a student athlete to enter into an agent contract, financial services  
16 contract, professional sports services contract or other agreement by  
17 which the athlete agent will represent the student athlete.  
18 Negotiations regarding the athlete agent's fee shall not be considered  
19 an inducement.

20 5. A person shall not conduct business as an athlete agent if  
21 he is not registered or if his registration is suspended or revoked.

22 6. Violation of any provision of this section is a class B  
23 misdemeanor.]

2 [544.650. Whenever any bail bond or recognizance has been  
3 given or entered into in any criminal proceedings, conditioned for the  
4 appearance of any person charged with, indicted for or convicted of  
5 any criminal offense, or for any other purpose, and the conditions  
6 thereof shall become broken or the same shall be forfeited, it shall be  
7 lawful and sufficient to serve the writ of scire facias or other writ or  
8 process which may be issued in such proceeding, either by delivering  
9 a duly certified copy of such writ or process to the person therein  
10 named, or by leaving such duly certified copy of such writ or process  
11 at the usual place of abode of the person therein named, with a  
member of his family over the age of fifteen years.]