

SECOND REGULAR SESSION

[P E R F E C T E D]

SENATE BILL NO. 610

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATORS RUPP AND PARSON.

Pre-filed December 6, 2013, and ordered printed.

Read 2nd time January 16, 2014, and referred to the Committee on Financial and Governmental Organizations and Elections.

Reported from the Committee February 10, 2014, with recommendation that the bill do pass.

Taken up for Perfection February 11, 2014. Bill declared Perfected and Ordered Printed.

TERRY L. SPIELER, Secretary.

4740S.01P

AN ACT

To repeal section 407.725, RSMo, and to enact in lieu thereof one new section relating to commercial exterior contractors.

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

Section A. Section 407.725, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 407.725, to read as follows:

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

2 (1) "[Residential] Contractor", a person or entity in the business of
3 contracting or offering to contract with an owner or possessor of residential **or**
4 **commercial** real estate to repair or replace roof systems or perform any other
5 exterior repair, replacement, construction, or reconstruction work on **any**
6 residential **or commercial structure situated upon such** real estate;

7 (2) ["Residential real estate", a new or existing building constructed for
8 habitation by one to four families, including detached garages;

9 (3)] "Roof system", includes roof coverings, roof sheathing, roof
10 weatherproofing, and insulation.

11 2. A [residential] contractor shall not advertise or promise to pay or
12 rebate all or any portion of any insurance deductible as an inducement to the sale
13 of goods or services. As used in this section, a promise to pay or rebate includes
14 granting any allowance or offering any discount against the fees to be charged or
15 paying the insured or any person directly or indirectly associated with the
16 property any form of compensation, gift, prize, bonus, coupon, credit, referral fee,

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

53 I HEREBY CANCEL THIS TRANSACTION

54 _____

55 (date)

56 _____

57 (insured's signature).

58 5. Within ten days after a contract referred to in subsection 3 of this
59 section has been cancelled, the contractor shall tender to the owner or possessor
60 of [residential] real estate any payments, partial payments, or deposits made and
61 any note or other evidence of indebtedness. If, however, the contractor has
62 performed any emergency services, acknowledged by the insured in writing to be
63 necessary to prevent damage to the premises, the contractor shall be entitled to
64 the reasonable value of such services. Any provision in a contract referred to in
65 subsection 3 of this section that requires the payment of any fee for anything
66 except emergency services shall not be enforceable against the owner or possessor
67 of [residential] real estate who has cancelled a contract pursuant to this section.

68 6. A [residential] contractor shall not represent or negotiate, or offer or
69 advertise to represent or negotiate, on behalf of an owner or possessor of
70 [residential] real estate on any insurance claim in connection with the repair or
71 replacement of roof systems, or the performance of any other exterior repair,
72 replacement, construction, or reconstruction work.

73 7. Any violation of this section by a [residential] contractor shall be
74 considered an unfair practice pursuant to the Missouri merchandising practices
75 act as codified in this chapter.

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