

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend SS/SCS/House Bill No. 1719, Page 56, Section 324.436, Line 9,

of said page, by inserting after all of said line the following:

"324.800. As used in sections 324.800 to 324.860, the following terms shall mean:

(1) "Department", the department of insurance, financial institutions and professional registration;

(2) "Out-of-state applicant", any applicant who has not established and maintained a place of business as a registered roofing contractor in this state within the preceding year or has not submitted an income tax return as a resident of this state within the preceding year;

(3) "Person", any individual, firm, partnership, association, corporation, limited liability company, or other group or combination thereof acting as a unit;

(4) "Roofing contractor", one who has the knowledge and skill to construct, reconstruct, alter, maintain, and repair roofs and use materials and items used in the construction, reconstruction, alteration, maintenance, and repair of all kinds of roofing and waterproofing as related to roofing, all in such manner to comply with all plans, specifications, codes, laws, and regulations applicable thereto, persons subcontracted by a

1 registered roofing contractor, or the owner of property acting as
2 a home improvement contractor.

3 324.805. Beginning January 1, 2020, a person who practices
4 or offers services as a roofing contractor in this state for
5 compensation or uses any title, sign, abbreviation, card, or
6 device to indicate that such person is a roofing contractor may
7 register with the department according to the provisions of
8 sections 324.800 to 324.860.

9 324.810. 1. There is hereby created in the state treasury
10 the "Roofing Contractor Fund", which shall consist of moneys
11 collected under sections 324.800 to 324.860. The state treasurer
12 shall be custodian of the fund. In accordance with sections
13 30.170 and 30.180, the state treasurer shall approve
14 disbursements. The fund shall be a dedicated fund and, upon
15 appropriation, moneys in the fund shall be used solely for the
16 administration of sections 324.800 to 324.860.

17 2. Notwithstanding the provisions of section 33.080 to the
18 contrary, any moneys remaining in the fund at the end of the
19 biennium shall not revert to the credit of the general revenue
20 fund.

21 3. The state treasurer shall invest moneys in the fund in
22 the same manner as other funds are invested. Any interest and
23 moneys earned on such investments shall be credited to the fund.

24 324.815. The department is authorized to promulgate rules
25 and regulations necessary for the administration of sections
26 324.800 to 324.860, including regulations regarding:

27 (1) The content of registration applications and the
28 procedures for filing an application for an initial or renewal
29 registration in this state;

1 (2) All applicable fees set at a level to produce revenue,
2 which shall not exceed the cost and expense of administering the
3 provisions of sections 324.800 to 324.860; and

4 (3) The hiring of employees, who administer and oversee the
5 requirements of sections 324.800 to 324.860, and who may
6 investigate any alleged misconduct under sections 324.800 to
7 324.860. Persons hired under this subdivision shall be paid out
8 of the roofing contractor fund established under section 324.810.

9 324.820. 1. An applicant for registration as a roofing
10 contractor shall submit to the department a completed application
11 furnished by the department accompanied by the required
12 nonrefundable fee of no more than thirty five dollars or a
13 renewal fee to be determined by the department. Such application
14 shall include the applicant's name, business name, evidence of
15 insurance as required under subsection 3 of this section, a
16 telephone number, a street address.

17 2. An applicant shall have ninety days from the day the
18 application is submitted to complete the application process or
19 else the application shall be automatically denied and any fees
20 paid by the applicant forfeited. Such applicant shall then
21 reapply in order to obtain a certificate of registration.

22 3. No certificate of registration shall be issued or
23 renewed unless the applicant files with the department proof of
24 motor vehicle insurance for all business vehicles, a current
25 worker's compensation insurance policy, and liability insurance
26 with a minimum level of coverage of not less than one million
27 dollars and unless an applicant or out-of-state applicant has a
28 no tax due statement from the department of revenue.

29 4. No certificate of registration shall be issued if an

1 out-of-state applicant has had a license revoked or suspended in
2 another state.

3 5. No political subdivision of this state shall require a
4 roofing contractor to be registered under sections 324.800 to
5 324.860 in order to operate as a roofing contractor within the
6 boundaries of such political subdivision.

7 6. No political subdivision of this state shall require the
8 inspection of a roof more than one time if the cost to construct
9 or repair such roof is less than ten thousand dollars. No
10 political subdivision shall require the inspection of a roof more
11 than two times if the cost to construct or repair such roof is
12 ten thousand dollars or more.

13 (1) The cost for an inspection permit for roofs that cost
14 less than ten thousand dollars shall not be more than one hundred
15 dollars.

16 (2) The cost for an inspection permit for roofs that cost
17 ten thousand dollars or more shall not cost more than one percent
18 of the cost of the roof.

19
20 The provisions of this subsection shall not apply to construction
21 that changes the roofline on a building.

22 324.825. An insurance company issuing a liability insurance
23 policy to a roofing contractor pursuant to the provisions of
24 section 324.820 shall notify the department in the event such
25 liability insurance policy is canceled or lapses for any reason.

26 324.830. The department shall promulgate rules to implement
27 the provisions of sections 324.800 to 324.860. Any rule or
28 portion of a rule, as that term is defined in section 536.010,
29 that is created under the authority delegated in this section

1 shall become effective only if it complies with and is subject to
2 all of the provisions of chapter 536, and, if applicable, section
3 536.028. This section and chapter 536 are nonseverable, and if
4 any of the powers vested with the general assembly pursuant to
5 chapter 536 to review, to delay the effective date, or to
6 disapprove and annul a rule are subsequently held
7 unconstitutional, then the grant of rulemaking authority and any
8 rule proposed or adopted after August 28, 2018, shall be invalid
9 and void.

10 324.835. A registered roofing contractor shall affix the
11 roofing contractor certificate of registration number and the
12 registrant's name, as it appears on the certificate of
13 registration, to all of his or her contracts and bids.

14 324.840. Any complaint received by the department
15 concerning a person who is the holder of a certificate of
16 registration issued under sections 324.800 to 324.860 or any
17 complaint regarding the offering of roofing contractor services
18 shall be recorded as received and the date received. The
19 department shall investigate all complaints concerning alleged
20 violations of the provisions of sections 324.800 to 324.860 or if
21 there are grounds for the suspension, revocation, or refusal to
22 issue any certificate of registration.

23 324.845. 1. The department may refuse to issue or renew,
24 or may suspend or revoke a roofing contractor certificate of
25 registration for failing to meet the requirements of section
26 324.820 or for one or any combination of causes stated in
27 subsection 2 of this section. The department shall notify the
28 applicant in writing of the reasons for the refusal and shall
29 advise the applicant of his or her right to file a complaint with

1 the administrative hearing commission as provided by chapter 621.
2 Notification shall be deemed sufficient if mailed, first class,
3 to the address listed on the application for registration or
4 renewal by the applicant.

5 2. The department may file a complaint with the
6 administrative hearing commission against any holder of a
7 certificate of registration for any one or combination of the
8 following causes:

9 (1) Impersonation of any person holding a roofing
10 contractor certificate of registration or knowingly allowing any
11 person to use his or her certificate of registration;

12 (2) Knowingly providing another person with a false
13 registration number; or

14 (3) Abandoning a contract, without returning the deposit,
15 by not completing the contracted scope of work.

16 324.850. 1. The department shall maintain a list of
17 roofing contractors with current certificates of registration on
18 its website. The inclusion of a roofing contractor on such list
19 does not constitute an endorsement by the department.

20 2. The department shall provide notice after a storm event
21 occurs to inform members of the public that roofing contractors
22 may register with the state. The notice shall be limited to the
23 parts of the state where the storm event occurred. Such notice
24 shall be posted on the department's website. In addition, such
25 notice shall be given in a rapid response, cost effective manner,
26 in a format to be determined at the discretion of the department,
27 which may include the use of advertisements and public service
28 announcements in print, radio, television, and online media.
29 Expenses for the notice under this subsection shall be paid out

1 of the roofing contractor fund established under section 324.810.

2 3. The department shall make available to the public on its
3 website the requirements for obtaining a certificate of
4 registration set forth in section 324.820.

5 324.855. Any person found in violation of sections 324.800
6 to 324.860 shall be found guilty of a class D misdemeanor. A
7 second conviction for violating sections 324.800 to 324.860
8 within ten years after the first conviction shall be a class B
9 misdemeanor.

10 324.860. The provisions of sections 324.800 to 324.860
11 shall expire on August 29, 2023.

12 324.865. No political subdivision shall charge more than
13 one hundred dollars a year for a business license, contractor
14 license, or equivalent license in order to work within the
15 boundaries of the political subdivision as a roofing
16 contractor."; and

17 Further amend said bill, Page 197, Section 374.784, Line 15
18 of said page, by inserting after all of said line the following:

19 "621.045. 1. The administrative hearing commission shall
20 conduct hearings and make findings of fact and conclusions of law
21 in those cases when, under the law, a license or certificate of
22 registration issued by any of the following agencies may be
23 revoked or suspended or when the licensee or registrant may be
24 placed on probation or when an agency refuses to permit an
25 applicant to be examined upon his or her qualifications or
26 refuses to issue or renew a license or certificate of
27 registration of an applicant who has passed an examination for
28 licensure or who possesses the qualifications for licensure or
29 registration without examination:

1 Missouri State Board of Accountancy
2 Missouri State Board for Architects, Professional Engineers,
3 Professional Land Surveyors and Landscape Architects
4 Board of Barber Examiners
5 Board of Cosmetology
6 Board of Chiropody and Podiatry
7 Board of Chiropractic Examiners
8 Missouri Dental Board
9 Board of Embalmers and Funeral Directors
10 Board of Registration for the Healing Arts
11 Board of Nursing
12 Board of Optometry
13 Board of Pharmacy
14 Missouri Real Estate Commission
15 Missouri Veterinary Medical Board
16 Supervisor of Liquor Control
17 Department of Health and Senior Services
18 Department of Insurance, Financial Institutions and
19 Professional Registration
20 Department of Mental Health
21 Board of Private Investigator Examiners.

22 2. If in the future there are created by law any new or
23 additional administrative agencies which have the power to issue,
24 revoke, suspend, or place on probation any license, then those
25 agencies are under the provisions of this law.

26 3. The administrative hearing commission is authorized to
27 conduct hearings and make findings of fact and conclusions of law
28 in those cases brought by the Missouri state board for
29 architects, professional engineers, professional land surveyors

1 and landscape architects against unlicensed persons under section
2 327.076.

3 4. Notwithstanding any other provision of this section to
4 the contrary, after August 28, 1995, in order to encourage
5 settlement of disputes between any agency described in subsection
6 1 or 2 of this section and its licensees or registrants, any such
7 agency shall:

8 (1) Provide the licensee or registrant with a written
9 description of the specific conduct for which discipline is
10 sought and a citation to the law and rules allegedly violated,
11 together with copies of any documents which are the basis thereof
12 and the agency's initial settlement offer, or file a contested
13 case against the licensee or registrant;

14 (2) If no contested case has been filed against the
15 licensee or registrant, allow the licensee or registrant at least
16 sixty days, from the date of mailing, to consider the agency's
17 initial settlement offer and to contact the agency to discuss the
18 terms of such settlement offer;

19 (3) If no contested case has been filed against the
20 licensee or registrant, advise the licensee or registrant that
21 the licensee or registrant may, either at the time the settlement
22 agreement is signed by all parties, or within fifteen days
23 thereafter, submit the agreement to the administrative hearing
24 commission for determination that the facts agreed to by the
25 parties to the settlement constitute grounds for denying or
26 disciplining the license of the licensee or the certificate of
27 registration of the registrant; and

28 (4) In any contact under this subsection by the agency or
29 its counsel with a licensee or registrant who is not represented

1 by counsel, advise the licensee or registrant that the licensee
2 or registrant has the right to consult an attorney at the
3 licensee's or registrant's own expense.

4 5. If the licensee or registrant desires review by the
5 administrative hearing commission under subdivision (3) of
6 subsection 4 of this section at any time prior to the settlement
7 becoming final, the licensee may rescind and withdraw from the
8 settlement and any admissions of fact or law in the agreement
9 shall be deemed withdrawn and not admissible for any purposes
10 under the law against the licensee. Any settlement submitted to
11 the administrative hearing commission shall not be effective and
12 final unless and until findings of fact and conclusions of law
13 are entered by the administrative hearing commission that the
14 facts agreed to by the parties to the settlement constitute
15 grounds for denying or disciplining the license of the licensee.

16 6. When a holder of a license, registration, permit, or
17 certificate of authority issued by the division of professional
18 registration or a board, commission, or committee of the division
19 of professional registration against whom an affirmative decision
20 is sought has failed to plead or otherwise respond in the
21 contested case and adequate notice has been given under sections
22 536.067 and 621.100 upon a properly pled writing filed to
23 initiate the contested case under this chapter or chapter 536, a
24 default decision shall be entered against the licensee without
25 further proceedings. The default decision shall grant such
26 relief as requested by the division of professional registration,
27 board, committee, commission, or office in the writing initiating
28 the contested case as allowed by law. Upon motion stating facts
29 constituting a meritorious defense and for good cause shown, a

1 default decision may be set aside. The motion shall be made
2 within a reasonable time, not to exceed thirty days after entry
3 of the default decision. "Good cause" includes a mistake or
4 conduct that is not intentionally or recklessly designed to
5 impede the administrative process."; and

6 Further amend the title and enacting clause accordingly.