

# SENATE AMENDMENT NO. \_\_\_\_\_

Offered by \_\_\_\_\_ of \_\_\_\_\_

Amend SS/HCS/House Bill No. 2046, Page 27, Section 324.035, Line 16,

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

"324.1200. As used in sections 324.1200 to 324.1234, the following terms mean:

(1) "Division", the division of professional registration;

(2) "Independent contractor", a person or entity contracted to perform work for another entity as a nonemployee;

(3) "Nonresident contractor", any contractor who:

(a) Has not established and maintained a place of business as a roofing contractor in this state within the preceding year;

(b) Claims residency in another state; or

(c) Has not submitted an income tax return as a resident of this state within the preceding year;

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

(5) "Roofing contractor", a person or entity with the experience, 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

1 as related to roofing, all in compliance with all plans,  
2 specifications, codes, laws, and regulations applicable thereto.  
3 "Roofing contractor" shall not mean:

4 (a) A person engaged in the demolition of a structure or  
5 the cleanup of construction waste and debris that contains  
6 roofing material; or

7 (b) A person working under the direct supervision of a  
8 roofing contractor and who is hired by such roofing contractor as  
9 an employee, day laborer, or contract laborer.

10 324.1202. 1. No person shall engage in the business of or  
11 act in the capacity of a roofing contractor within this state  
12 without a valid registration certificate as required by sections  
13 324.1200 to 324.1232 after August 28, 2021.

14 2. No person shall bring or maintain any claim, action,  
15 suit, or proceeding in any court of this state related to such  
16 person's business or capacity as a roofing contractor without a  
17 valid registration certificate as required by sections 324.1200  
18 to 324.1232.

19 3. Any person who fails to obtain a valid registration  
20 certificate prior to acting as a roofing contractor shall be  
21 liable for a civil penalty in an amount provided in subsection 4  
22 of this section.

23 4. (1) The commission of any act or practice declared to  
24 be a violation of sections 324.1200 to 324.1232 shall render the  
25 violator liable to the aggrieved consumer, or to the state or  
26 county as provided in subdivision (3) of this subsection, for the  
27 payment of a civil penalty recoverable in an individual action,  
28 including an action brought by the attorney general, in a sum set  
29 by the court of no more than ten thousand dollars for each

1 violation. An aggrieved consumer shall not be a required party  
2 in actions brought by the attorney general or a prosecuting  
3 attorney under this section.

4 (2) Any roofing contractor who willfully violates the terms  
5 of any court order issued under this section shall pay a civil  
6 penalty of no more than twenty thousand dollars per violation, in  
7 addition to other penalties that may be imposed by the court as  
8 the court shall deem necessary and proper. For the purposes of  
9 this section, the court issuing an order shall retain  
10 jurisdiction, and in such cases the attorney general may petition  
11 for the recovery of civil penalties.

12 (3) In administering and pursuing actions under sections  
13 324.1200 to 324.1232, the attorney general and the prosecuting  
14 attorney are authorized to sue for and collect reasonable  
15 expenses and investigation fees as determined by the court.  
16 Civil penalties or contempt penalties sued for and recovered by  
17 the attorney general shall be paid into the roofing contractor  
18 registration fund established in section 324.1230.

19 (4) Any act or practice declared to be a violation of  
20 sections 324.1200 to 324.1232 not identified to be in connection  
21 with a specific consumer transaction but that is continuing in  
22 nature shall be deemed a separate violation each day such act or  
23 practice exists.

24 5. Any person who acts as a roofing contractor while such  
25 person's registration certificate as a roofing contractor is  
26 suspended or revoked shall be liable for a civil penalty as  
27 provided in subsection 4 of this section. Any civil penalty  
28 shall be in addition to any other relief that may be granted or  
29 any other penalty prescribed by law.

1           6. (1) Any roofing contractor utilizing an independent  
2 contractor to engage in the business of commercial or residential  
3 roofing services for a fee shall ensure that the independent  
4 contractor has a valid registration certificate as required by  
5 sections 324.1200 to 324.1232.

6           (2) If a roofing contractor is found to be utilizing an  
7 independent contractor that is not certified, such roofing  
8 contractor shall be subject to having his or her registration  
9 certificate revoked, and such roofing contractor shall be subject  
10 to penalties set forth in this section.

11           324.1204. 1. The division shall establish a system of  
12 registration of roofing contractors. The division shall create  
13 forms necessary for the registration of roofing contractors and  
14 for the administration of sections 324.1200 to 324.1232.

15           2. The division is authorized to adopt rules and  
16 regulations necessary to implement the provisions of sections  
17 324.1200 to 324.1232 including, but not limited to, rules  
18 concerning:

19           (1) Fees necessary to fund the expenses and operation costs  
20 incurred in the administration and enforcement of sections  
21 324.1200 to 324.1232;

22           (2) The acquisition of insurance, indemnity coverage, or  
23 surety bonds in amounts determined by the division; and

24           (3) Any other matter deemed necessary by the division to  
25 carry out, implement, and enforce sections 324.1200 to 324.1232.

26           3. The division shall have authority to promulgate rules  
27 and regulations to implement the provisions of sections 324.1200  
28 to 324.1232. Any rule or portion of a rule, as that term is  
29 defined in section 536.010, that is created under the authority

1 delegated in this section shall become effective only if it  
2 complies with and is subject to all of the provisions of chapter  
3 536 and, if applicable, section 536.028. This section and  
4 chapter 536 are nonseverable, and if any of the powers vested  
5 with the general assembly pursuant to chapter 536 to review, to  
6 delay the effective date, or to disapprove and annul a rule are  
7 subsequently held unconstitutional, then the grant of rulemaking  
8 authority and any rule proposed or adopted after August 28, 2020,  
9 shall be invalid and void.

10 324.1206. 1. A roofing contractor registration certificate  
11 shall be granted to any applicant who is at least eighteen years  
12 of age and who submits an application under oath or affirmation  
13 containing:

14 (1) A statement of the applicant's experience and  
15 qualifications as a roofing contractor;

16 (2) The applicant's name, physical address, business name  
17 and address, information on any other person who will be  
18 authorized to act as the business entity, and the applicant's  
19 phone number;

20 (3) A copy of the roofing contractor's certificate of  
21 liability insurance, which shall be filed with the application  
22 and shall have a coverage limit of no less than five hundred  
23 thousand dollars. Any insurance company issuing a liability  
24 policy to a roofing contractor shall be required to notify the  
25 division in the event such liability policy is cancelled or  
26 lapses for any reason;

27 (4) Proof satisfactory to the division that the applicant  
28 has secured either workers' compensation coverage satisfactory  
29 under chapter 287 or an affidavit of exemption or self-insurance

1 as authorized under chapter 287; and

2 (5) Any other information deemed necessary in assisting the  
3 division to register such person as a roofing contractor.

4 2. The application shall also contain statements that the  
5 applicant:

6 (1) Desires the issuance of a roofing contractor  
7 registration certificate;

8 (2) Agrees to comply with the provisions of sections  
9 324.1200 to 324.1232;

10 (3) Agrees to comply with all federal and state laws and  
11 local ordinances; and

12 (4) Is registered or licensed as a roofing contractor in  
13 another state, if any disciplinary action was taken against such  
14 registration or license, or if such registration or license is  
15 currently in good standing. If the applicant is not a resident  
16 of this state, such applicant shall appoint the secretary of  
17 state as legal agent for service of process or as otherwise  
18 provided in sections 324.1200 to 324.1232.

19 3. At the time of applying for a roofing contractor  
20 registration certificate, the applicant shall pay to the division  
21 a fee of two hundred fifty dollars for the annual registration  
22 certificate.

23 4. The division shall refuse to register any applicant if  
24 the division determines:

25 (1) The application contains false, misleading, or  
26 incomplete information;

27 (2) The applicant fails or refuses to provide any  
28 information requested by the division;

29 (3) The applicant fails or refuses to pay the required

1 fees;

2 (4) The applicant is ineligible for registration due to a  
3 suspended or revoked registration in this state;

4 (5) The nonresident applicant has a revoked or suspended  
5 registration or license for roofing contractors required by law  
6 in another state; or

7 (6) The applicant fails to provide a current tax clearance  
8 certificate or letter from the department of revenue along with  
9 the filing of any application.

10 5. (1) The division shall notify the applicant in writing  
11 if an application for a registration certificate or renewal of a  
12 registration certificate is denied and shall provide the  
13 applicant an opportunity to respond to or cure any defect in the  
14 written application or renewal for a period of ten days from the  
15 date of written notification.

16 (2) Notification shall be deemed sufficient if mailed, via  
17 first-class mail, to the address listed in the most recent  
18 application for registration or renewal filed by the applicant.

19 (3) An applicant aggrieved by a decision of the division  
20 denying a registration or renewal may appeal the decision under  
21 chapter 536 to the administrative hearing commission pursuant to  
22 chapter 621. In the alternative, the applicant may reapply after  
23 the expiration of a ninety-day waiting period if the applicant is  
24 otherwise eligible under the provisions of this section.

25 (4) All application and renewal fees shall be  
26 nonrefundable.

27 6. The division shall classify as not in good standing the  
28 registration certificate of any roofing contractor who fails to:

29 (1) Maintain liability insurance coverage;

1           (2) Maintain workers' compensation coverage satisfactory  
2 under chapter 287, or provide an affidavit of exemption or self-  
3 insurance as authorized under chapter 287;

4           (3) Maintain an active status of a corporation or  
5 registration as a foreign corporation, a limited liability  
6 company or foreign limited liability company, a limited liability  
7 partnership registration or foreign limited liability partnership  
8 registration, or a limited partnership certificate of authority  
9 or a foreign limited partnership certificate of authority with  
10 the office of the secretary of state;

11           (4) Maintain or renew a roofing contractor registration  
12 certificate as provided in sections 324.1200 to 324.1232;

13           (5) Notify the division of any act or omission specified in  
14 subsection 1 of section 324.1218, or any other violation of  
15 sections 324.1200 to 324.1232;

16           (6) Maintain any registration as required by law in another  
17 state while registered in this state as a nonresident roofing  
18 contractor; or

19           (7) File and pay all taxes when due in this state.

20           7. The division shall send a written notice to the person  
21 if such person's registration is no longer considered to be in  
22 good standing. Notification shall be deemed sufficient if  
23 mailed, via first-class mail, to the address listed on the most  
24 recent registration or renewal form filed by the applicant. Any  
25 roofing contractor who has been notified by the division that  
26 such person's registration is not in good standing shall cease  
27 soliciting or entering into new roofing services and projects as  
28 of the date of such notification. The roofing contractor shall  
29 be allowed to complete roofing projects if actual physical work

1 has begun prior to the date of issuance of the notice that such  
2 roofing contractor's registration is not in good standing. If  
3 the roofing contractor fails to correct the deficiency specified  
4 in the notice by evidence satisfactory to the division within  
5 thirty days of the date of the notice, or if the roofing  
6 contractor solicits or enters into new roofing services,  
7 contracts, or projects while the roofing contractor's  
8 registration certificate is not in good standing or while such  
9 registration certificate is suspended or revoked, the roofing  
10 contractor shall be in violation of the provisions of sections  
11 324.1200 to 324.1232. Any registration certificate that is not  
12 in good standing shall be revoked thirty days from the date of  
13 notification to the roofing contractor that the registration is  
14 not in good standing. The roofing contractor may reinstate such  
15 registration to good standing by paying the required fees  
16 provided in section 324.1216 and complying with all requirements  
17 for issuance of a registration certificate in good standing.

18 8. Any person aggrieved by the decision of the division to  
19 suspend or revoke a registration certificate under this section  
20 may appeal such decision as provided in chapter 536 to the  
21 administrative hearing commission pursuant to chapter 621.

22 324.1208. 1. All applications for a registration  
23 certificate and renewal applications shall require the applicant  
24 to answer under oath or affirmation whether the applicant has  
25 been convicted of a felony offense in this state, another state,  
26 or any other place, and the nature of the offense upon which a  
27 conviction was imposed.

28 2. Conviction of an offense shall not disqualify a person  
29 from registration as a roofing contractor under sections 324.1200

1 to 324.1232, provided that the applicant has truthfully disclosed  
2 the conviction and nature of the offense.

3 3. The division may conduct a criminal history records  
4 search or background check on any applicant or registered roofing  
5 contractor and may investigate the information submitted on a  
6 roofing contractor application or renewal form, provided that no  
7 adverse action may be taken against the person until such person  
8 has been notified and given an opportunity to respond in writing.

9 324.1210. Within sixty days from the date of application,  
10 the division shall either issue or deny the roofing contractor  
11 registration certificate. No registration certificate shall be  
12 issued to an applicant until the division receives all  
13 documentation and fees necessary to obtain a registration  
14 certificate. The registration certificate issued on an original  
15 application entitles the person to act as a roofing contractor  
16 within this state, subject to the limitations of sections  
17 324.1200 to 324.1232, until the expiration of the fiscal year  
18 ending June thirtieth; except that, an initial registration  
19 certificate issued in May or June shall be valid until June  
20 thirtieth of the subsequent year.

21 324.1212. The holder of a roofing contractor registration  
22 certificate may engage in roofing business within this state  
23 under the provisions of sections 324.1200 to 324.1232 and subject  
24 to the following limitations:

25 (1) A roofing contractor's registration certificate number  
26 shall be valid and in good standing at the time of soliciting a  
27 project and during subsequent job performance;

28 (2) A roofing contractor's registration certificate number  
29 shall be submitted when applying for any permit issued by the

1 state or a political subdivision of the state for commercial or  
2 residential roofing services or projects, if a permit is required  
3 by such authority, and shall be written upon each permit issued;

4 (3) A roofing contractor's registration certificate shall  
5 not be shared or used by any other individual or business entity;  
6 except that, a business firm, partnership, association,  
7 corporation, limited liability company, or other group or  
8 combination thereof acting as a unit may be granted a single  
9 roofing registration certificate number for use by the designated  
10 roofing contractors acting as agents for the business entity if  
11 the application for registration certificate contains sufficient  
12 information on each member, partner, officer, and agent, and the  
13 division issues a single certificate number to such persons as a  
14 business unit;

15 (4) The division shall be notified in writing upon any  
16 change to the name, address, business entity, or resident agent  
17 of a roofing contractor; adjudication by a court of competent  
18 jurisdiction for a violation of sections 324.1200 to 324.1232; or  
19 an act or omission specified in subsection 1 of section 324.1218;

20 (5) A roofing contractor shall comply with all state laws  
21 and local ordinances; and

22 (6) A roofing contractor shall pay taxes due in this state.  
23 324.1214. No later than ten days after the date of a change  
24 in a roofing contractor's name, address, or legal service agent,  
25 or upon a registered roofing contractor's ceasing business as a  
26 roofing contractor, such person shall notify the division of the  
27 change on a form provided by the division. A change of name or  
28 address shall be accompanied by a fee of fifty dollars. No  
29 person shall change such person's name under an active

1 registration certificate if the change is associated with a  
2 change in the legal status of the business entity other than  
3 change in marital status. Conducting business under a new  
4 business name or a change in legal status of a business shall  
5 require issuance of a new registration certificate. If a  
6 registered roofing contractor ceases to be active as a roofing  
7 contractor, the contractor shall notify the division within ten  
8 days and the division shall suspend the registration certificate  
9 of such contractor as soon as practicable after receiving the  
10 notification.

11 324.1216. 1. (1) Any roofing contractor registration  
12 certificate issued under sections 324.1200 to 324.1232 may be  
13 renewed for each successive fiscal year by obtaining a  
14 certificate of renewal from the division. To obtain a  
15 certificate of renewal, an applicant shall file with the division  
16 a renewal application by June thirtieth and pay the required  
17 renewal fee. The application for renewal shall require  
18 statements under oath or affirmation of whether the applicant has  
19 been convicted of a felony offense and the nature of such offense  
20 since issuance of the prior registration certificate, and whether  
21 the applicant has been adjudicated by a court of competent  
22 jurisdiction for any violation of sections 324.1200 to 324.1232  
23 or any act or omission specified in subsection 1 of section  
24 324.1218.

25 (2) The applicant shall include with the renewal  
26 application a copy of the certificate of liability insurance;  
27 proof of workers' compensation coverage, unless exempt or self-  
28 insured under chapter 287; a copy of the current registration  
29 certificate required by law for roofing contractors, if

1 applicable; and a current tax clearance certificate from the  
2 department of revenue.

3 2. The division shall refuse to renew a roofing  
4 contractor's registration certificate for any reason stated in  
5 subsection 4 of section 324.1206. The division shall notify the  
6 applicant in writing if the division denies the renewal as  
7 provided in subsection 4 of section 324.1206.

8 3. If any roofing contractor fails to file a renewal  
9 application by the June thirtieth deadline, the contractor's  
10 registration certificate shall be deemed to not be in good  
11 standing. A roofing contractor shall have a thirty-day grace  
12 period after June thirtieth to renew such registration  
13 certificate without a late fee. After thirty days, a late fee of  
14 two hundred fifty dollars shall be assessed. If the certificate  
15 is not renewed before July thirty-first, the certificate shall be  
16 revoked.

17 4. (1) A roofing contractor seeking to renew a  
18 registration certificate that has been suspended for any cause  
19 provided in sections 324.1200 to 324.1232 prior to the June  
20 thirtieth deadline shall be assessed a fee equal to twice the  
21 amount of the registration fee established in section 324.1206.

22 (2) The division shall assess a reinstatement fee in an  
23 amount of seven hundred fifty dollars plus the registration fee  
24 established by section 324.1206 for any registration certificate  
25 that has been revoked for any cause provided in sections 324.1200  
26 to 324.1232.

27 (3) A roofing contractor submitting an application for a  
28 registration certificate after suspension or revocation shall be  
29 eligible for registration under sections 324.1200 to 324.1232.

1           5. The division shall include a registration status  
2 notation in a roofing contractor's record if the status of  
3 registration changes from active and valid to not in good  
4 standing, denied, suspended, or revoked.

5           324.1218. 1. No roofing contractor or any person providing  
6 services as a roofing contractor shall:

7           (1) Abandon a roofing contract without legal grounds after  
8 a deposit of moneys or other consideration has been paid;

9           (2) Divert any funds or property entrusted to a roofing  
10 contractor;

11           (3) Engage in any fraudulent or deceptive acts or practices  
12 or misrepresentation of products, services, or qualifications as  
13 a roofing contractor;

14           (4) Make a false or misleading statement in an application  
15 for a roofing contractor registration certificate or renewal  
16 application or in soliciting a contract for roofing services;

17           (5) Violate any judgment or order by a court of competent  
18 jurisdiction against the roofing contractor for violation of the  
19 provisions of sections 324.1200 to 324.1232;

20           (6) Engage in work without a valid registration certificate  
21 as required for roofing contractors under sections 324.1200 to  
22 324.1232, or perform roofing services during any period when the  
23 roofing contractor's registration certificate is denied,  
24 suspended, or revoked;

25           (7) Engage in roofing services without obtaining a proper  
26 permit as may be required by any state or local authority;

27           (8) Fail to comply with any tax laws authorized by the  
28 state or any political subdivision of the state;

29           (9) Damage or injure any person or property while

1 performing roofing services under a valid roofing contractor  
2 registration certificate for which the roofing contractor's  
3 liability insurance or workers' compensation coverage is  
4 inadequate; or

5 (10) Fail to comply with any provision of sections 324.1200  
6 to 324.1232 or any rule or regulation adopted thereunder.

7 2. Any person may file a duly verified complaint with the  
8 attorney general alleging one or more violations of subsection 1  
9 of this section. The complaint shall be on a form approved by  
10 the attorney general and shall set forth the alleged act or  
11 omission stated in subsection 1 of this section and a statement  
12 of sufficient facts upon which a reasonable person could conclude  
13 that the act or omission specified in subsection 1 of this  
14 section has been committed. Nothing in this section shall be  
15 construed to require the complainant to first file a complaint  
16 with the attorney general before seeking relief or remedies  
17 allowed by law.

18 3. A complaint received by the attorney general as provided  
19 in this section may be reviewed by the attorney general for  
20 appropriate disposition or investigation. The attorney general  
21 is hereby authorized to:

22 (1) Investigate the registrant's operations, books, and  
23 records as the attorney general deems necessary for the  
24 protection of the public and control access to any documents and  
25 records of the licensee or registrant under investigation;

26 (2) Charge reasonable costs of investigation, examination,  
27 and administration of this section, to be paid by the applicant,  
28 licensee, or registrant;

29 (3) Exchange any information regarding the administration

1 of sections 324.1200 to 324.1232 with any agency of the United  
2 States, or any state or political subdivision thereof that  
3 regulates the licensee or registrant or administers statutes,  
4 rules and regulations, or programs related to the roofing  
5 business, and to enter into information-sharing arrangements with  
6 other governmental agencies or associations representing  
7 governmental agencies that are deemed necessary or beneficial to  
8 the administration of sections 324.1200 to 324.1232;

9 (4) Disclose to any person or entity that an applicant's,  
10 licensee's, or registrant's application, license, or registration  
11 certificate has been denied, suspended, revoked, or refused  
12 renewal;

13 (5) Require or permit any person to file a written  
14 statement, under oath, affirmation, or otherwise as the attorney  
15 general may direct, setting forth all the facts and circumstances  
16 concerning any apparent violation of sections 324.1200 to  
17 324.1232, any rule or regulation promulgated thereunder, or any  
18 other issue under sections 324.1200 to 324.1232;

19 (6) Receive, as a condition of settlement of any  
20 investigation or examination, a payment designated for the  
21 roofing contractor registration fund as directed by the attorney  
22 general;

23 (7) Establish relationships or contracts with any other  
24 government programs that require the licensing or registration of  
25 roofing contractors or other entities to collect and maintain  
26 records and process transaction fees or other fees related to  
27 applicants, licensees, registrants, or other persons subject to  
28 sections 324.1200 to 324.1232, and to take such other actions as  
29 may be reasonably necessary to facilitate cooperation between

1 such governmental entities or agencies and industry trade  
2 associations. The attorney general shall regularly report  
3 violations of law, as well as enforcement actions and other  
4 relevant information, to any multistate or nationwide licensing  
5 system and registry; and

6 (8) Require any registrant to file with any such roofing  
7 contractor licensing system or registry in the form prescribed by  
8 the attorney general or the attorney general's designee.

9 4. For the purpose of any examination, investigation, or  
10 proceeding under sections 324.1200 to 324.1232, the attorney  
11 general or his or her designee may administer oaths and  
12 affirmations, subpoena witnesses, compel such witnesses'  
13 attendance, produce evidence, and require the production of any  
14 material that is relevant to the examination or investigation,  
15 including the existence, description, nature, custody, condition,  
16 and location of any books, documents, or other tangible things,  
17 and the identity and location of persons having knowledge of  
18 relevant acts, or any other matter reasonably calculated to lead  
19 to the discovery of relevant information or items.

20 5. If any person refuses to obey a subpoena or court order,  
21 any court of competent jurisdiction, upon application by the  
22 attorney general, may issue to that person an order requiring the  
23 person to appear before the attorney general or his or her  
24 designee to produce documentary evidence if so ordered, or to  
25 give evidence relevant to the matter under investigation. Any  
26 failure to obey the order of the court may be punished by the  
27 court as a contempt of court.

28 6. No person shall be excused from attending and testifying  
29 or from producing any document or record before the attorney

1 general, in obedience to the subpoena of the attorney general, or  
2 in any proceeding instituted by the attorney general on the  
3 ground that the testimony or evidence, documentary or otherwise,  
4 required of the person may incriminate the person or subject the  
5 person to a penalty or forfeiture. No individual may be  
6 prosecuted or subjected to any penalty or forfeiture for, or on  
7 account of, any transaction or matter concerning which such  
8 person is compelled, after claiming privilege against self-  
9 incrimination, to testify or produce evidence, documentary or  
10 otherwise; except that, the individual so testifying shall not be  
11 exempt from prosecution and punishment for perjury committed in  
12 so testifying.

13 324.1220. 1. (1) Every applicant for a roofing  
14 contractor's registration certificate who is a nonresident  
15 contractor may apply for a registration certificate by signing  
16 and filing the application, appointing the secretary of state as  
17 the applicant's true and lawful agent upon whom may be served all  
18 lawful process in any action or proceeding against such  
19 nonresident contractor for construction projects performed in  
20 this state. Such appointment shall be evidence of the roofing  
21 contractor's consent that any process against the contractor that  
22 is served upon the secretary of state shall be of the same legal  
23 force and effect as if served upon the contractor personally  
24 within this state.

25 (2) Registered foreign corporations, registered foreign  
26 limited liability companies, foreign limited liability  
27 partnerships, and foreign limited partnerships that are  
28 authorized to do business in this state and that have a current  
29 registered agent and registered address on file in the office of

1 the secretary of state shall not be required to appoint the  
2 secretary of state as agent for service of process under this  
3 section.

4 2. Within ten days after service of the summons upon the  
5 secretary of state, notice of such service with the summons and  
6 complaint in the action shall be sent to the defendant roofing  
7 contractor at his or her last known address by registered or  
8 certified mail with return receipt requested, and proof of such  
9 mailing shall be attached to the summons.

10 3. The secretary of state shall keep a record of all  
11 process served upon the secretary of state under this section,  
12 showing the day and time of service. If service of process is  
13 made under this section, the court, before entering a default  
14 judgment or at any stage of the proceeding, may order such  
15 continuance as may be necessary to afford the defendant  
16 contractor reasonable opportunity to defend any action pending  
17 against the defendant contractor.

18 324.1222. 1. If applying for any permit required by the  
19 state or any of its political subdivisions for roofing services  
20 or jobs, a roofing contractor shall supply the permit-issuing  
21 official with his or her registration certificate number issued  
22 under sections 324.1200 to 324.1232. Such official shall enter  
23 the roofing contractor's registration certificate number on the  
24 permit.

25 2. Although exempt from the registration requirements of  
26 sections 324.1200 to 324.1232, any person performing as a roofing  
27 contractor on such person's own property shall, if applying for a  
28 permit required for the project, supply the permit-issuing  
29 official any roofing contractor registration certificate number,

1 as soon as available, of each roofing subcontractor engaged in  
2 roofing services and doing work covered by the permit, if any.  
3 Such official shall enter each roofing contractor registration  
4 certificate number so supplied before inspection of the job.

5 3. A roofing contractor shall display such contractor's  
6 roofing contractor registration certificate number on each  
7 commercial vehicle used for roofing services and upon every  
8 business sign, card, correspondence, and contract used to solicit  
9 and conduct roofing services in this state.

10 324.1224. 1. Upon request, the division shall verify a  
11 roofing contractor registration certificate number to city,  
12 county, and state enforcement officials and to the public.

13 2. The division shall establish a system for the public to  
14 confirm roofing contractor registration certificates. Such  
15 system shall include a listing of valid registration certificates  
16 and such other information collected under sections 324.1200 to  
17 324.1232 as the division may deem appropriate. In addition, the  
18 system may include a notation for any conviction of a criminal  
19 violation in this state, another state, or the United States if  
20 disclosed by a criminal history records search on an individual  
21 roofing contractor. Disclosure of any information through the  
22 use of the roofing contractor registration certificate system or  
23 information maintained by the division shall not be deemed to be  
24 an endorsement of any roofing contractor or determination of any  
25 facts, qualifications, information, or reputation of any roofing  
26 contractor by the division, the state, or any of their respective  
27 agents, officers, employees, or assigns.

28 324.1226. Sections 324.1200 to 324.1232 shall be construed  
29 to be in addition to, and not in lieu of, any required licensure

1 of persons for certain professions and trades in this state, and  
2 sections 324.1200 to 324.1232 shall not be deemed to conflict  
3 with or affect the authority of any state or local agency, board,  
4 or commission whose duty and authority is to administer or  
5 enforce any law or ordinance or to establish, administer, or  
6 enforce any policy, rule, qualification, or standard for any  
7 trade or profession.

8 324.1228. 1. Any violation of sections 324.1200 to  
9 324.1232 shall be deemed to be an unlawful practice under the  
10 provisions of the Missouri merchandising practices act set forth  
11 in chapter 407.

12 2. The provisions of sections 324.1200 to 324.1232 shall be  
13 part of and supplemental to the Missouri merchandising practices  
14 act as set forth in chapter 407.

15 324.1230. 1. There is hereby created in the state treasury  
16 the "Roofing Contractor Registration Fund", to be administered by  
17 the division. All moneys received by the division from fees,  
18 charges, or penalties shall be remitted to the state treasurer,  
19 who shall deposit the entire amount thereof in the state treasury  
20 to the credit of the roofing contractor registration fund. All  
21 moneys credited to the roofing contractor registration fund shall  
22 be expended for the administration of the duties, functions, and  
23 operating expenses of sections 324.1200 to 324.1232. The state  
24 treasurer shall be custodian of the fund. In accordance with  
25 sections 30.170 and 30.180, the state treasurer may approve  
26 disbursements. The fund shall be a dedicated fund, and moneys in  
27 the fund shall be used solely by the division for the purposes of  
28 administering the provisions of sections 324.1200 to 324.1232.

29 2. Notwithstanding the provisions of section 33.080 to the

1 contrary, any moneys remaining in the fund at the end of the  
2 biennium shall not revert to the credit of the general revenue  
3 fund.

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

7 324.1232. 1. Sections 324.1200 to 324.1232 shall not apply  
8 to:

9 (1) An actual owner of commercial, residential, or farm  
10 property who physically performs or has employees who physically  
11 perform roofing services, including construction, installation,  
12 renovation, repair, maintenance, alteration, waterproofing, or  
13 removal of materials or structures, on such owner's own dwelling  
14 or another structure located on the residential or farm property  
15 owned by such person without the assistance of any registered  
16 roofing contractor;

17 (2) Any authorized employee, representative, or  
18 representatives of the United States government, the state of  
19 Missouri, or any political subdivision of the state;

20 (3) Any person who furnishes any fabricated or finished  
21 product, material, or article of merchandise that is not  
22 incorporated into or attached to real property by such person so  
23 as to become affixed thereto;

24 (4) Any person employed by a manufactured home and modular  
25 home manufacturer while acting within the scope of that license;

26 (5) Any person employed by a manufactured home dealer while  
27 acting within the scope of that license;

28 (6) Any person employed as a manufactured home installer  
29 while acting within the scope of that license; and

1           (7) Any person who provides roofing services that, on each  
2 and every undertaking or project during a fiscal year, bear an  
3 aggregate price, including labor, materials, and all other items,  
4 that is quoted, bid, offered, agreed, contracted, billed,  
5 collected, and paid at less than two thousand dollars. This  
6 exemption shall not apply to a person who advertises to the  
7 public that such person is a roofing contractor or that the  
8 person is qualified to engage in the business of a roofing  
9 contractor.

10           2. Any administrative or governing body with authority to  
11 enter into public contracts shall require individual roofing  
12 contractor registration for the purpose of such persons  
13 submitting or entering into any bid or contract.

14           324.1234. Any person who violates any provision of sections  
15 324.1200 to 324.1232 is guilty of a class D misdemeanor. A  
16 second conviction for violating any provision of sections  
17 324.1200 to 324.1232 within ten years after the first conviction  
18 is a class B misdemeanor."; and

19           Further amend the title and enacting clause accordingly.