

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

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

Amend SS/House Bill No. 542, Page 46, Section 327.612, Line 12,

2 by inserting after all of said line the following:

3 "333.041. 1. [Each applicant for a license to  
4 practice funeral directing shall furnish evidence to  
5 establish to the satisfaction of the board that he or she is  
6 at least eighteen years of age, and possesses a high school  
7 diploma, a general equivalency diploma, or equivalent  
8 thereof, as determined, at its discretion, by the board.

9 2. Every person desiring to enter the profession of  
10 embalming dead human bodies within the state of Missouri and  
11 who is enrolled in a program accredited by the American  
12 Board of Funeral Service Education, any successor  
13 organization, or other accrediting entity as approved by the  
14 board shall register with the board as a practicum student  
15 upon the form provided by the board. After such  
16 registration, a student may assist, under the direct  
17 supervision of Missouri licensed embalmers and funeral  
18 directors, in Missouri licensed funeral establishments,  
19 while serving his or her practicum. The form for  
20 registration as a practicum student shall be accompanied by  
21 a fee in an amount established by the board.

22 3.] Each applicant for a student license to practice  
23 embalming shall submit an application to the state board of  
24 embalmers and funeral directors, pay all application fees,  
25 and furnish evidence to establish to the satisfaction of the  
26 board that he or she:

27           (1) Is at least eighteen years of age, and possesses a  
28 high school diploma, a general equivalency diploma, or  
29 equivalent thereof, as determined, at its discretion, by the  
30 board; and

31           (2) Is currently enrolled in a funeral service  
32 education program or has completed a funeral service  
33 education program accredited by the American Board of  
34 Funeral Service Education, any successor organization, or  
35 other accrediting entity as approved by the board. [If an  
36 applicant does not complete all requirements for licensure  
37 within five years from the date of his or her completion of  
38 an accredited program, his or her registration as an  
39 apprentice embalmer shall be automatically cancelled. The  
40 applicant shall be required to file a new application and  
41 pay applicable fees. No previous apprenticeship shall be  
42 considered for the new application;

43           (3) Upon due examination administered by the board, is  
44 possessed of a knowledge of the subjects of embalming,  
45 anatomy, pathology, bacteriology, mortuary administration,  
46 chemistry, restorative art, together with statutes, rules  
47 and regulations governing the care, custody, shelter and  
48 disposition of dead human bodies and the transportation  
49 thereof or has passed the national board examination of the  
50 Conference of Funeral Service Examining Boards. If any  
51 applicant fails to pass the state examination, he or she may  
52 retake the examination at the next regular examination  
53 meeting. The applicant shall notify the board office of his  
54 or her desire to retake the examination at least thirty days  
55 prior to the date of the examination. Each time the  
56 examination is retaken, the applicant shall pay a new  
57 examination fee in an amount established by the board;

58           (4) Has been employed full time in funeral service in  
59 a licensed funeral establishment and has personally embalmed

60 at least twenty-five dead human bodies under the personal  
61 supervision of an embalmer who holds a current and valid  
62 Missouri embalmer's license during an apprenticeship of not  
63 less than twelve consecutive months. "Personal supervision"  
64 means that the licensed embalmer shall be physically present  
65 during the entire embalming process in the first six months  
66 of the apprenticeship period and physically present at the  
67 beginning of the embalming process and available for  
68 consultation and personal inspection within a period of not  
69 more than one hour in the remaining six months of the  
70 apprenticeship period. All transcripts and other records  
71 filed with the board shall become a part of the board files.

72 4. If the applicant does not complete the application  
73 process within the five years after his or her completion of  
74 an approved program, then he or she must file a new  
75 application and no fees paid previously shall apply toward  
76 the license fee.

77 5. Examinations required by this section and section  
78 333.042 shall be held at least twice a year at times and  
79 places fixed by the board. The board shall by rule and  
80 regulation prescribe the standard for successful completion  
81 of the examinations.]

82 2. After a student's application has been approved by  
83 the board, student licensees who are enrolled in a funeral  
84 service education program may assist, under the direct  
85 supervision of an embalmer or funeral director licensed  
86 under this chapter, in an establishment licensed for  
87 embalming under this chapter. Student licensees shall not  
88 assist when not under such supervision.

89 3. In order to be eligible for full licensure under  
90 subsection 6 of this section, a student licensee shall,  
91 after completing a funeral service education program  
92 accredited by the American Board of Funeral Service

93 Education, any successor organization, or other accrediting  
94 entity as approved by the board, demonstrate that he or she  
95 has completed an apprenticeship of no less than six months  
96 and has personally embalmed at least twenty-five dead human  
97 bodies under the personal supervision of an embalmer who is  
98 licensed under this chapter.

99 4. In order to be eligible for full licensure under  
100 subsection 6 of this section, a student licensee shall pass  
101 the National Board or State Board Arts examination, National  
102 Board Science examination, and the Missouri law examination.

103 5. A student licensee shall have five years to  
104 complete the requirements for full licensure under  
105 subsection 6 of this section. If the student fails to  
106 complete the requirements within such period, the student's  
107 application for licensure shall be cancelled. If the  
108 application is cancelled, the student shall be required to  
109 file a new application and pay applicable fees. No previous  
110 apprenticeship shall be considered for the new application.  
111 If the student licensee completes the requirements of this  
112 section within five years, the student licensee may apply  
113 for an embalmer license by completing the appropriate  
114 application.

115 6. Upon establishment of his or her qualifications as  
116 specified by this section or section 333.042, the board  
117 shall issue to the applicant a license to practice funeral  
118 directing or embalming, as the case may require, and shall  
119 register the applicant as a duly licensed funeral director  
120 or a duly licensed embalmer. Any person having the  
121 qualifications required by this section and section 333.042  
122 may be granted both a license to practice funeral directing  
123 and to practice embalming.

124 7. The board shall, upon request, waive any  
125 requirement of this chapter and issue a temporary funeral

126 director's license, valid for six months, to the surviving  
127 spouse or next of kin or the personal representative of a  
128 licensed funeral director, or to the spouse, next of kin,  
129 employee or conservator of a licensed funeral director  
130 disabled because of sickness, mental incapacity or injury.  
131 No student licensee or embalmer licensed under this chapter  
132 shall be required to sign a death certificate as the  
133 embalmer of the body for any body that they have embalmed.  
134 This provision does not relieve a person who holds both an  
135 embalmer and funeral director's license from signing the  
136 death certificate as the funeral director in charge if  
137 otherwise required to do so.

138 333.042. 1. Every person desiring to engage in the  
139 practice of funeral directing as an apprentice in this state  
140 shall obtain a provisional funeral director license from the  
141 board. To apply for a provisional license, the applicant  
142 shall make application with the state board of embalmers and  
143 funeral directors and pay the current application fees and  
144 furnish evidence to establish to the satisfaction of the  
145 board that he or she:

146 (1) Is at least eighteen years of age; and  
147 (2) Is working as an apprentice funeral director under  
148 personal supervision of a funeral director licensed under  
149 this chapter.

150 The applicant shall provide to the board the name and  
151 license number of the funeral director performing his or her  
152 supervision and the location where the applicant will  
153 practice.

154 2. An applicant for a provisional funeral director  
155 license under subsection 1 of this section shall have twenty-  
156 four months to complete the requirements for licensure under  
157 this section. If the applicant fails to complete the  
158 requirements within such period, the student's application

159 for licensure shall be cancelled. If the application is  
160 cancelled, the applicant shall be required to file a new  
161 application and pay applicable fees. No previous  
162 apprenticeship shall be considered for the new application.

163 3. Every person desiring to enter the profession of  
164 funeral directing in this state shall make application with  
165 the state board of embalmers and funeral directors, [and]  
166 pay the current application [and examination] fees, [.]  
167 Except as otherwise provided in section 41.950, applicants  
168 not entitled to a license pursuant to section 333.051 or  
169 324.009 shall serve an apprenticeship for at least twelve  
170 consecutive months in a funeral establishment licensed for  
171 the care and preparation for burial and transportation of  
172 the human dead in this state or in another state which has  
173 established standards for admission to practice funeral  
174 directing equal to, or more stringent than, the requirements  
175 for admission to practice funeral directing in this state.  
176 The applicant shall devote at least fifteen hours per week  
177 to his or her duties as an apprentice under the supervision  
178 of a Missouri licensed funeral director. Such applicant  
179 shall submit proof to the board, on forms provided by the  
180 board, that the applicant has arranged and conducted ten  
181 funeral services during the applicant's apprenticeship under  
182 the supervision of a Missouri licensed funeral director.  
183 Upon completion of the apprenticeship, the applicant shall  
184 appear before the board to be tested on the applicant's  
185 legal and practical knowledge of funeral directing, funeral  
186 home licensing, preneed funeral contracts and the care,  
187 custody, shelter, disposition and transportation of dead  
188 human bodies. Upon acceptance of the application and fees  
189 by the board, an applicant shall have twenty-four months to  
190 successfully complete the requirements for licensure found

191 in this section or the application for licensure shall be  
192 cancelled.

193         2. If a person applies for a limited license to work  
194 only in a funeral establishment which is licensed only for  
195 cremation, including transportation of dead human bodies to  
196 and from the funeral establishment, he or she shall make  
197 application, pay the current application and examination fee  
198 and successfully complete the Missouri law examination. He  
199 or she shall be exempt from the twelve-month apprenticeship  
200 required by subsection 1 of this section and the practical  
201 examination before the board. If a person has a limited  
202 license issued pursuant to this subsection, he or she may  
203 obtain a full funeral director's license if he or she  
204 fulfills the apprenticeship and successfully completes the  
205 funeral director practical examination.

206         3. If an individual is a Missouri licensed embalmer or  
207 has completed a program accredited by the American Board of  
208 Funeral Service Education, any successor organization, or  
209 other accrediting entity as approved by the board or has  
210 successfully completed a course of study in funeral  
211 directing offered by an institution accredited by a  
212 recognized national, regional or state accrediting body and  
213 approved by the state board of embalmers and funeral  
214 directors, and desires to enter the profession of funeral  
215 directing in this state, the individual shall comply with  
216 all the requirements for licensure as a funeral director  
217 pursuant to subsection 1 of section 333.041 and subsection 1  
218 of this section; however, the individual is exempt from the  
219 twelve-month apprenticeship required by subsection 1 of this  
220 section] and furnish evidence to establish to the  
221 satisfaction of the board that he or she:

222         (1) Is at least eighteen years of age and possesses a  
223 high school diploma, a general equivalency diploma, or

224 equivalent thereof, as determined, at its discretion, by the  
225 board;

226 (2) Has successfully completed:

227 (a) A program accredited by the American Board of  
228 Funeral Service Education, any successor organization, or  
229 other accrediting entity as approved by the board;

230 (b) A course of study in funeral directing offered by  
231 an institution accredited by a recognized national,  
232 regional, or state accrediting body and approved by the  
233 state board of embalmers or funeral directors; or

234 (c) A qualifying apprenticeship for at least twelve  
235 months; and

236 (3) Has passed the National Board or State Board Arts  
237 examination and the Missouri law examination.

238 For purposes of this subsection, a qualifying apprenticeship  
239 means one in which the applicant devoted at least fifteen  
240 hours per week to his or her duties as an apprentice under  
241 the personal supervision of a funeral director licensed  
242 under this chapter in a funeral establishment licensed for  
243 the care and preparation for burial and transportation of  
244 the human dead under this chapter. Personal supervision  
245 means that the licensed funeral director shall be physically  
246 present during any arrangement conferences, but such person  
247 shall not be required to be present in the building when the  
248 apprentice performs any other functions relating to the  
249 practice of funeral directing. In order for an  
250 apprenticeship to qualify under this subsection, applicants  
251 shall arrange and conduct at least ten funeral services  
252 under the supervision of a funeral director licensed under  
253 this chapter and present proof of such performance to the  
254 board on forms provided by the board.

255 4. Every person desiring to obtain a funeral director  
256 limited license in this state shall make application with

257 the state board of embalmers and funeral directors and pay  
258 the current application fees and furnish evidence to  
259 establish to the satisfaction of the board that he or she:

260 (1) Is at least eighteen years of age; and

261 (2) Has successfully completed the Missouri law  
262 examination.

263 5. A person holding a funeral director limited license  
264 shall not be authorized to practice funeral directing in the  
265 state, except as follows:

266 (1) He or she may work in a funeral establishment  
267 licensed only for cremation, including transportation of  
268 dead human bodies to and from the funeral establishment; and

269 (2) He or she may perform cremations and duties  
270 relating to cremations.

271 6. If a person has a funeral director limited license  
272 issued under this section, he or she may obtain a full  
273 funeral director's license by fulfilling the apprenticeship  
274 requirements of subsection 3 of this section or by  
275 successfully completing a program accredited by the American  
276 Board of Funeral Service Education, any successor  
277 organization, or other accrediting entity as approved by the  
278 board and successfully completing the National Board or  
279 State Board Arts examination.

280 333.061. 1. No funeral establishment shall be  
281 operated in this state unless the owner or operator thereof  
282 has a funeral establishment license issued by the board.

283 2. A license for the operation of a funeral  
284 establishment shall be issued by the board, if the board  
285 finds:

286 (1) That the establishment is under the general  
287 management and the supervision of a duly licensed funeral  
288 director;

289           (2) That all embalming performed therein is performed  
290 by or under the direct supervision of a duly licensed  
291 embalmer;

292           (3) That any place in the funeral establishment where  
293 embalming is conducted contains a preparation room with a  
294 sanitary floor, walls and ceiling, and adequate sanitary  
295 drainage and disposal facilities including running water,  
296 and complies with the sanitary standard prescribed by the  
297 department of health and senior services for the prevention  
298 of the spread of contagious, infectious or communicable  
299 diseases;

300           (4) Each funeral establishment shall have a register  
301 book or log which shall be available at all times for the  
302 board's inspector and that shall contain:

303           (a) The name of each body that has been in the  
304 establishment;

305           (b) The date the body arrived at the establishment;

306           (c) If applicable, the place of embalming, if known;  
307 and

308           (d) If the body was embalmed at the establishment, the  
309 date and time that the embalming took place, and the name,  
310 signature, and license number of the embalmer; and

311           (5) The establishment complies with all applicable  
312 state, county or municipal zoning ordinances and regulations.

313           3. The board shall grant or deny each application for  
314 a license pursuant to this section within thirty days after  
315 it is filed. The applicant may request in writing up to two  
316 thirty-day extensions of the application, provided the  
317 request for an extension is received by the board prior to  
318 the expiration of the thirty-day application or extension  
319 period.

320           4. Licenses shall be issued pursuant to this section  
321 upon application and the payment of a funeral establishment

322 fee and shall be renewed at the end of the licensing period  
323 on the establishment's renewal date.

324 5. The board may refuse to renew or may suspend or  
325 revoke any license issued pursuant to this section if it  
326 finds, after hearing, that the funeral establishment does  
327 not meet any of the requirements set forth in this section  
328 as conditions for the issuance of a license, or for the  
329 violation by the owner of the funeral establishment of any  
330 of the provisions of section 333.121. No new license shall  
331 be issued to the owner of a funeral establishment or to any  
332 corporation controlled by such owner for three years after  
333 the revocation of the license of the owner or of a  
334 corporation controlled by the owner. Before any action is  
335 taken pursuant to this subsection the procedure for notice  
336 and hearing as prescribed by section 333.121 shall be  
337 followed.

338 6. Beginning November 1, 2021, each funeral  
339 establishment licensed by the board under this section to  
340 make funeral arrangements shall also be a licensed provider  
341 for preneed funeral contracts under section 333.315 unless a  
342 licensee provides written notification to the board that the  
343 licensee does not want to be a provider for preneed funeral  
344 contracts. No separate application or renewal of the  
345 preneed provider license shall be necessary so long as the  
346 funeral establishment license is current and active and  
347 that, as part of the application or renewal of the funeral  
348 establishment license, the licensee provides the name and  
349 address of the custodian of records responsible for  
350 maintaining the books and records of the licensee relating  
351 to preneed contracts and the names and addresses of each  
352 seller authorized by the licensee to sell preneed contracts  
353 in which the licensee is designated or obligated as the  
354 provider. A licensee that has notified the board that it

355 does not want to be a provider for preneed funeral contracts  
356 may rescind that notification in a writing to the board that  
357 includes the custodian of records responsible for  
358 maintaining the books and records of the licensee relating  
359 to preneed contracts and the names and addresses of each  
360 seller authorized by the licensee to sell preneed contracts  
361 in which the licensee is designated or obligated as the  
362 provider.

363 333.081. 1. Each license issued to a funeral  
364 director, [or] embalmer, or funeral establishment pursuant  
365 to this chapter shall expire unless renewed on or before the  
366 renewal date. The board may, however, provide for the  
367 renewal of licenses held by individuals who are not actively  
368 engaged in practice and who are over sixty-five years of age  
369 without fee. The board shall renew any such license upon  
370 due application for renewal and upon the payment of the  
371 renewal fee, except that no license shall expire during the  
372 period when the holder thereof is actively engaged in the  
373 military service of the United States. Any licensee  
374 exempted from the renewal of his or her license because of  
375 military service shall, before beginning practice in this  
376 state after leaving military service, apply for and pay the  
377 renewal fee for the current licensing period.

378 2. When renewing a funeral director's or embalmer's  
379 license the licensee shall specify the address of the  
380 funeral establishment at which he or she is practicing or  
381 proposes to practice and shall notify the board of any  
382 termination of his or her connection therewith. The  
383 licensee shall notify the board of any new employment or  
384 connection with a funeral establishment of a permanent  
385 nature. If the licensee is not employed at or connected  
386 with a funeral establishment he shall notify the board of  
387 his or her permanent address.

388           3. The holder of an expired license shall be issued a  
389 new license by the board within two years of the renewal  
390 date after he or she has paid delinquent renewal fees. Any  
391 license not renewed within two years shall be void.

392           4. Failure of the licensee to receive the renewal  
393 notice shall not relieve the licensee of the duty to pay the  
394 renewal fee and renew his or her license.

395           333.315. 1. No person shall be designated as a  
396 provider or agree to perform the obligations of a provider  
397 under a preneed contract unless, at the time of such  
398 agreement or designation, such person is licensed as a  
399 preneed provider by the board. Nothing in this section  
400 shall exempt any person from meeting the licensure  
401 requirements for a funeral establishment as provided in this  
402 chapter.

403           2. An applicant for a preneed provider license shall:

404           (1) File an application on a form established by the  
405 board and pay an application fee in an amount established by  
406 the board by rule;

407           (2) Be authorized and registered with the Missouri  
408 secretary of state to conduct business in Missouri;

409           (3) Identify the name and address of a custodian of  
410 records responsible for maintaining the books and records of  
411 the provider relating to preneed contracts;

412           (4) Identify the name and address of each seller  
413 authorized by the provider to sell preneed contracts in  
414 which the provider is designated or obligated as the  
415 provider;

416           (5) File with the state board a written consent  
417 authorizing the state board to inspect or order an  
418 investigation, examination, or audit of the provider's books  
419 and records which contain information concerning preneed

420 contracts sold for or on behalf of a seller or in which the  
421 applicant is named as a provider; and

422 (6) If the applicant is a corporation, each officer,  
423 director, manager, or controlling shareholder shall be  
424 eligible for licensure if they were applying for licensure  
425 as an individual.

426 Funeral establishments licensed under section 333.031 shall  
427 be exempt from the requirements of this subsection.

428 3. Each preneed provider shall apply to renew his or  
429 her license on or before October thirty-first of each year  
430 or a date established by the division of professional  
431 registration pursuant to section 324.001. A license which  
432 has not been renewed prior to the renewal date shall  
433 expire. Applicants for renewal shall:

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

436 (2) Pay a renewal fee in an amount established by the  
437 board by rule, however no renewal fee shall be required for  
438 any funeral establishment whose Missouri license is current  
439 and active;

440 (3) Be authorized and registered with the Missouri  
441 secretary of state to conduct business in Missouri;

442 (4) File an annual report with the state board which  
443 shall contain:

444 (a) The name and address of a custodian of records  
445 responsible for maintaining the books and records of the  
446 provider relating to preneed contracts;

447 (b) The business name or names used by the provider  
448 and all addresses from which it engages in the practice of  
449 its business;

450 (c) The name and address of each seller with whom it  
451 has entered into a written agreement since last filing an  
452 annual report with the board authorizing the seller to

453 designate or obligate the licensee as the provider in a  
454 preneed contract; and

455 (d) Any information required by any other applicable  
456 statute or regulation enacted pursuant to state or federal  
457 law.

458 4. A license which has not been renewed as provided by  
459 this section shall expire. A licensee who fails to apply  
460 for renewal may apply for reinstatement within two years of  
461 the renewal date by satisfying the requirements of  
462 subsection 3 of this section and paying a delinquent fee as  
463 established by the board by rule.

464 5. A preneed provider license held by a licensed  
465 funeral establishment shall automatically renew with the  
466 renewal of the funeral establishment license."; and

467 Further amend said bill, page 48, section 338.710, line  
468 31, by inserting after all of said line the following:

469 "339.100. 1. The commission may, upon its own motion,  
470 and shall upon receipt of a written complaint filed by any  
471 person, investigate any real estate-related activity of a  
472 licensee licensed under sections 339.010 to 339.180 and  
473 sections 339.710 to 339.860 or an individual or entity  
474 acting as or representing themselves as a real estate  
475 licensee. In conducting such investigation, if the  
476 questioned activity or written complaint involves an  
477 affiliated licensee, the commission may forward a copy of  
478 the information received to the affiliated licensee's  
479 designated broker. The commission shall have the power to  
480 hold an investigatory hearing to determine whether there is  
481 a probability of a violation of sections 339.010 to 339.180  
482 and sections 339.710 to 339.860. The commission shall have  
483 the power to issue a subpoena to compel the production of  
484 records and papers bearing on the complaint. The commission  
485 shall have the power to issue a subpoena and to compel any

486 person in this state to come before the commission to offer  
487 testimony or any material specified in the subpoena.  
488 Subpoenas and subpoenas duces tecum issued pursuant to this  
489 section shall be served in the same manner as subpoenas in a  
490 criminal case. The fees and mileage of witnesses shall be  
491 the same as that allowed in the circuit court in civil cases.

492 2. The commission may cause a complaint to be filed  
493 with the administrative hearing commission as provided by  
494 the provisions of chapter 621 against any person or entity  
495 licensed under this chapter or any licensee who has failed  
496 to renew or has surrendered his or her individual or entity  
497 license for any one or any combination of the following acts:

498 (1) Failure to maintain and deposit in a special  
499 account, separate and apart from his or her personal or  
500 other business accounts, all moneys belonging to others  
501 entrusted to him or her while acting as a real estate broker  
502 or as the temporary custodian of the funds of others, until  
503 the transaction involved is consummated or terminated,  
504 unless all parties having an interest in the funds have  
505 agreed otherwise in writing;

506 (2) Making substantial misrepresentations or false  
507 promises or suppression, concealment or omission of material  
508 facts in the conduct of his or her business or pursuing a  
509 flagrant and continued course of misrepresentation through  
510 agents, salespersons, advertising or otherwise in any  
511 transaction;

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

515 (4) Representing to any lender, guaranteeing agency,  
516 or any other interested party, either verbally or through  
517 the preparation of false documents, an amount in excess of

518 the true and actual sale price of the real estate or terms  
519 differing from those actually agreed upon;

520 (5) Failure to timely deliver a duplicate original of  
521 any and all instruments to any party or parties executing  
522 the same where the instruments have been prepared by the  
523 licensee or under his or her supervision or are within his  
524 or her control, including, but not limited to, the  
525 instruments relating to the employment of the licensee or to  
526 any matter pertaining to the consummation of a lease,  
527 listing agreement or the purchase, sale, exchange or lease  
528 of property, or any type of real estate transaction in which  
529 he or she may participate as a licensee;

530 (6) Acting for more than one party in a transaction  
531 without the knowledge of all parties for whom he or she  
532 acts, or accepting a commission or valuable consideration  
533 for services from more than one party in a real estate  
534 transaction without the knowledge of all parties to the  
535 transaction;

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

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

542 (9) Having been finally adjudicated and been found  
543 guilty of the violation of any state or federal statute  
544 which governs the sale or rental of real property or the  
545 conduct of the real estate business as defined in subsection  
546 1 of section 339.010;

547 (10) Obtaining a certificate or registration of  
548 authority, permit or license for himself or herself or  
549 anyone else by false or fraudulent representation, fraud or  
550 deceit;

551 (11) Representing a real estate broker other than the  
552 broker with whom associated without the express written  
553 consent of the broker with whom associated;

554 (12) Accepting a commission or valuable consideration  
555 for the performance of any of the acts referred to in  
556 section 339.010 from any person except the broker with whom  
557 associated at the time the commission or valuable  
558 consideration was earned;

559 (13) Using prizes, money, gifts or other valuable  
560 consideration as inducement to secure customers or clients  
561 to purchase, lease, sell or list property when the awarding  
562 of such prizes, money, gifts or other valuable consideration  
563 is conditioned upon the purchase, lease, sale or listing; or  
564 soliciting, selling or offering for sale real property by  
565 offering free lots, or conducting lotteries or contests, or  
566 offering prizes for the purpose of influencing a purchaser  
567 or prospective purchaser of real property;

568 (14) Placing a sign on or advertising any property  
569 offering it for sale or rent without the written consent of  
570 the owner or his or her duly authorized agent;

571 (15) Violation of, or attempting to violate, directly  
572 or indirectly, or assisting or enabling any person to  
573 violate, any provision of sections 339.010 to 339.180 and  
574 sections 339.710 to 339.860, or of any lawful rule adopted  
575 pursuant to sections 339.010 to 339.180 and sections 339.710  
576 to 339.860;

577 (16) Committing any act which would otherwise be  
578 grounds for the commission to refuse to issue a license  
579 under section 339.040;

580 (17) Failure to timely inform seller of all written  
581 offers unless otherwise instructed in writing by the seller;

582 (18) Been finally adjudicated and found guilty, or  
583 entered a plea of guilty or nolo contendere, in a criminal

584 prosecution under the laws of this state or any other state  
585 or of the United States, for any offense reasonably related  
586 to the qualifications, functions or duties of any profession  
587 licensed or regulated under this chapter, or for any offense  
588 an essential element of which is fraud, dishonesty or an act  
589 of violence, whether or not sentence is imposed;

590       (19) Any other conduct which constitutes  
591 untrustworthy, improper or fraudulent business dealings,  
592 demonstrates bad faith or incompetence, misconduct, or gross  
593 negligence;

594       (20) Disciplinary action against the holder of a  
595 license or other right to practice any profession regulated  
596 under sections 339.010 to 339.180 and sections 339.710 to  
597 339.860 granted by another state, territory, federal agency,  
598 or country upon grounds for which revocation, suspension, or  
599 probation is authorized in this state;

600       (21) Been found by a court of competent jurisdiction  
601 of having used any controlled substance, as defined in  
602 chapter 195, to the extent that such use impairs a person's  
603 ability to perform the work of any profession licensed or  
604 regulated by sections 339.010 to 339.180 and sections  
605 339.710 to 339.860;

606       (22) Been finally adjudged insane or incompetent by a  
607 court of competent jurisdiction;

608       (23) Assisting or enabling any person to practice or  
609 offer to practice any profession licensed or regulated under  
610 sections 339.010 to 339.180 and sections 339.710 to 339.860  
611 who is not registered and currently eligible to practice  
612 under sections 339.010 to 339.180 and sections 339.710 to  
613 339.860;

614       (24) Use of any advertisement or solicitation which:

615           (a) Is knowingly false, misleading or deceptive to the  
616 general public or persons to whom the advertisement or  
617 solicitation is primarily directed; or

618           (b) Includes a name or team name that uses the terms  
619 "realty", "brokerage", "company", or any other terms that  
620 can be construed to advertise a real estate company other  
621 than the licensee or a business entity licensed under this  
622 chapter with whom the licensee is associated. The context  
623 of the advertisement or solicitation may be considered by  
624 the commission when determining whether a licensee has  
625 committed a violation of this paragraph;

626           (25) Making any material misstatement,  
627 misrepresentation, or omission with regard to any  
628 application for licensure or license renewal. As used in  
629 this section, "material" means important information about  
630 which the commission should be informed and which may  
631 influence a licensing decision;

632           (26) Engaging in, committing, or assisting any person  
633 in engaging in or committing mortgage fraud, as defined in  
634 section 443.930.

635           3. After the filing of such complaint, the proceedings  
636 will be conducted in accordance with the provisions of law  
637 relating to the administrative hearing commission. A  
638 finding of the administrative hearing commissioner that the  
639 licensee has performed or attempted to perform one or more  
640 of the foregoing acts shall be grounds for the suspension or  
641 revocation of his license by the commission, or the placing  
642 of the licensee on probation on such terms and conditions as  
643 the real estate commission shall deem appropriate, or the  
644 imposition of a civil penalty by the commission not to  
645 exceed two thousand five hundred dollars for each offense.  
646 Each day of a continued violation shall constitute a  
647 separate offense.

648           4. The commission may prepare a digest of the  
649 decisions of the administrative hearing commission which  
650 concern complaints against licensed brokers or salespersons  
651 and cause such digests to be mailed to all licensees  
652 periodically. Such digests may also contain reports as to  
653 new or changed rules adopted by the commission and other  
654 information of significance to licensees.

655           5. Notwithstanding other provisions of this section, a  
656 broker or salesperson's license shall be revoked, or in the  
657 case of an applicant, shall not be issued, if the licensee  
658 or applicant has pleaded guilty to, entered a plea of nolo  
659 contendere to, or been found guilty of any of the following  
660 offenses or offenses of a similar nature established under  
661 the laws of this, any other state, the United States, or any  
662 other country, notwithstanding whether sentence is imposed:

663           (1) Any dangerous felony as defined under section  
664 556.061 or murder in the first degree;

665           (2) Any of the following sexual offenses: rape in the  
666 first degree, forcible rape, rape, statutory rape in the  
667 first degree, statutory rape in the second degree, rape in  
668 the second degree, sexual assault, sodomy in the first  
669 degree, forcible sodomy, statutory sodomy in the first  
670 degree, statutory sodomy in the second degree, child  
671 molestation in the first degree, child molestation in the  
672 second degree, sodomy in the second degree, deviate sexual  
673 assault, sexual misconduct involving a child, sexual  
674 misconduct in the first degree under section 566.090 as it  
675 existed prior to August 28, 2013, sexual abuse under section  
676 566.100 as it existed prior to August 28, 2013, sexual abuse  
677 in the first or second degree, enticement of a child, or  
678 attempting to entice a child;

679           (3) Any of the following offenses against the family  
680 and related offenses: incest, abandonment of a child in the

681 first degree, abandonment of a child in the second degree,  
682 endangering the welfare of a child in the first degree,  
683 abuse of a child, using a child in a sexual performance,  
684 promoting sexual performance by a child, or trafficking in  
685 children;

686 (4) Any of the following offenses involving child  
687 pornography and related offenses: promoting obscenity in  
688 the first degree, promoting obscenity in the second degree  
689 when the penalty is enhanced to a class E felony, promoting  
690 child pornography in the first degree, promoting child  
691 pornography in the second degree, possession of child  
692 pornography in the first degree, possession of child  
693 pornography in the second degree, furnishing child  
694 pornography to a minor, furnishing pornographic materials to  
695 minors, or coercing acceptance of obscene material; and

696 (5) Mortgage fraud as defined in section 570.310.

697 6. A person whose license was revoked under subsection  
698 5 of this section may appeal such revocation to the  
699 administrative hearing commission. Notice of such appeal  
700 must be received by the administrative hearing commission  
701 within ninety days of mailing, by certified mail, the notice  
702 of revocation. Failure of a person whose license was  
703 revoked to notify the administrative hearing commission of  
704 his or her intent to appeal waives all rights to appeal the  
705 revocation. Upon notice of such person's intent to appeal,  
706 a hearing shall be held before the administrative hearing  
707 commission."; and

708 Further amend the title and enacting clause accordingly.