

SECOND REGULAR SESSION

# HOUSE BILL NO. 2331

## 99TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE HOUX.

6218H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To amend chapter 324, RSMo, by adding thereto five new sections relating to roofing contractors, with penalty provisions.

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

Section A. Chapter 324, RSMo, is amended by adding thereto five new sections, to be known as sections 324.1000, 324.1005, 324.1010, 324.1015, and 324.1020, to read as follows:

**324.1000. As used in sections 324.1000 to 324.1020, the following terms shall mean:**

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

**(2) "Roofing contractor", one who has 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 as related to roofing, all in such manner to comply with all plans, specifications, codes, laws, and regulations applicable thereto.**

**324.1005. 1. Beginning on January 1, 2019, an individual who practices or offers services as a roofing contractor in this state for compensation or uses any title, sign, abbreviation, card, or device to indicate that such individual is a roofing contractor may take an examination that tests the individual's knowledge of general roofing practices.**

**2. The director of the department shall make arrangements, including contracting with an outside testing service, for creating and administering such examination.**

**3. The department shall establish an examination fee at a rate that does not significantly exceed the cost of administering such examination.**

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

9           **4. Upon passage of such examination an individual may include information stating**  
10 **that he or she has passed such examination in any business materials or advertisements for**  
11 **his or her services as a roofing contractor.**

12           **5. Upon passage of such examination, an individual may pay a fee to the**  
13 **department to be included in a searchable database of roofing contractors on the**  
14 **department's website. Such fee shall be paid yearly, and any excess balance above what**  
15 **is needed to maintain the database shall be paid into the state treasury to the credit of the**  
16 **veterans commission capital improvement trust fund.**

**324.1010. Beginning on January 1, 2019, any individual, firm, partnership,**  
2 **association, corporation, limited liability company, or other group or combination thereof**  
3 **acting as a unit may use a state of origin designation on business materials and**  
4 **advertisements signifying to the public that such company or entity is a Missouri business**  
5 **that is registered with the secretary of state as any type of entity other than a foreign**  
6 **corporation.**

**324.1015. Any individual who falsely advertises to the public that he or she has**  
2 **passed the examination set forth in section 324.1005 shall be guilty of a class D**  
3 **misdemeanor. Any individual, firm, partnership, association, corporation, limited liability**  
4 **company, or other group or combination thereof acting as a unit that falsely uses the state**  
5 **of origin designation set forth in section 324.1010 shall be guilty of a class D misdemeanor.**  
6 **A second conviction of the same violation within ten years after the first conviction shall**  
7 **be a class B misdemeanor.**

**324.1020. The department may promulgate rules to implement the provisions of**  
2 **sections 324.1000 to 324.1020. Any rule or portion of a rule, as that term is defined in**  
3 **section 536.010, that is created under the authority delegated in this section shall become**  
4 **effective only if it complies with and is subject to all of the provisions of chapter 536 and,**  
5 **if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any**  
6 **of the powers vested with the general assembly pursuant to chapter 536 to review, to delay**  
7 **the effective date, or to disapprove and annul a rule are subsequently held**  
8 **unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted**  
9 **after August 28, 2018, shall be invalid and void.**

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