

SECOND REGULAR SESSION

HOUSE BILL NO. 1587

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HELMS.

4745H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 324, RSMo, by adding thereto four new sections relating to professional registration.

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

Section A. Chapter 324, RSMo, is amended by adding thereto four new sections, to be
2 known as sections 324.011, 324.015, 324.018, and 324.019, to read as follows:

324.011. 1. For purposes of this section, the following terms mean:

2 **(1) "Licensing requirement", any required training, education, or fee to work in**
3 **a specific occupation or profession;**

4 **(2) "Occupational fee", a fee or tax on professionals or businesses that is charged**
5 **for the privilege of providing goods or services within a certain jurisdiction. The term**
6 **"occupational fee" shall include any fee to obtain a license or renew a license;**

7 **(3) "Political subdivision", any city, town, village, or county.**

8 **2. A political subdivision of this state shall not impose any occupational fees or**
9 **licensing requirements on any occupation or profession; except that, a political subdivision**
10 **that imposed occupational fees or licensing requirements on any occupation or profession**
11 **before August 28, 2018, may continue to impose those same fees and requirements, subject**
12 **to the provisions of subsections 3 to 5 of this section.**

13 **3. If a political subdivision imposed an occupational fee that exceeded twenty-five**
14 **dollars per year for each professional or business before August 28, 2018, the political**
15 **subdivision shall reduce the occupational fee to twenty-five dollars per year on August 28,**
16 **2018, and shall never increase the fee following such reduction.**

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.

17 4. If the state imposes licensing requirements on any occupation or profession, a
18 political subdivision shall not impose licensing requirements, in addition to the state's
19 licensing requirements, in order to practice the occupation or profession within the
20 political subdivision.

21 5. If the state imposes, on or after August 28, 2018, any licensing requirements on
22 any occupation or profession that previously was not subject to any licensing requirements
23 by the state, and any political subdivision imposed licensing requirements on that
24 occupation or profession before the effective date of the new state licensing requirements,
25 the political subdivision's licensing requirements shall become void as of the effective date
26 of the new state licensing requirements.

324.015. 1. For purposes of this section, the following terms mean:

2 (1) "Licensing authority", any agency, examining board, credentialing board, or
3 other office with the authority to impose occupational fees or licensing requirements on any
4 occupation or profession;

5 (2) "Licensing requirement", any required training, education, or fee to work in
6 a specific occupation or profession;

7 (3) "Low-income individual", any individual:

8 (a) Whose household adjusted gross income is below one hundred thirty percent
9 of the federal poverty line or a higher threshold to be set by the department of insurance,
10 financial institutions and professional registration by rule; or

11 (b) Who is enrolled in a state or federal public assistance program including, but
12 not limited to, Temporary Assistance for Needy Families, the MO HealthNet program, or
13 the Supplemental Nutrition Assistance Program;

14 (4) "Military families", any active duty service members and their spouses and
15 honorably discharged veterans and their spouses. The term "military families" includes
16 surviving spouses of deceased service members who have not remarried;

17 (5) "Occupational fee", a fee or tax on professionals or businesses that is charged
18 for the privilege of providing goods or services within a certain jurisdiction. The term
19 "occupational fee" shall include any fee to obtain a license or renew a license;

20 (6) "Political subdivision", any city, town, village, or county.

21 2. All state and political subdivision licensing authorities shall waive all
22 occupational fees for military families and low-income individuals for a period of two years
23 beginning on the date an application is approved under subsection 3 of this section.
24 Military families and low-income individuals whose applications are approved shall not
25 be required to pay any occupational fees that become due during the two-year period.

26 3. Military families and low-income individuals seeking a waiver described under
27 subsection 2 of this section shall apply to the appropriate licensing authority in a format
28 prescribed by the licensing authority. The licensing authority shall approve or deny the
29 application within thirty days of receipt.

30 4. An individual shall be eligible to receive only one waiver under this section from
31 each licensing authority.

32 5. State licensing authorities and the department of insurance, financial institutions
33 and professional registration shall promulgate rules to implement the provisions of this
34 section. Any rule or portion of a rule, as that term is defined in section 536.010, that is
35 created under the authority delegated in this section shall become effective only if it
36 complies with and is subject to all of the provisions of chapter 536 and, if applicable,
37 section 536.028. This section and chapter 536 are nonseverable, and if any of the powers
38 vested with the general assembly pursuant to chapter 536 to review, to delay the effective
39 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the
40 grant of rulemaking authority and any rule proposed or adopted after August 28, 2018,
41 shall be invalid and void.

 324.018. 1. For purposes of this section, the following terms mean:

2 (1) "Licensing authority", any agency, examining board, credentialing board, or
3 other office with the authority to impose occupational fees or licensing requirements on any
4 occupation or profession;

5 (2) "Licensing requirement", any required training, education, or fee to work in
6 a specific occupation or profession;

7 (3) "Lobbyist", the same meaning given to the term in section 105.470;

8 (4) "Occupational fee", a fee or tax on professionals or businesses that is charged
9 for the privilege of providing goods or services within a certain jurisdiction. The term
10 "occupational fee" shall include any fee to obtain a license or renew a license;

11 (5) "Political subdivision", any city, town, village, or county.

12 2. State and political subdivision licensing authorities shall not employ, contract for
13 pay, or otherwise compensate any lobbyist to lobby on their behalf.

 324.019. 1. For purposes of this section, the following terms mean:

2 (1) "Criminal offense", any type of felony conviction or misdemeanor conviction;

3 (2) "Licensing authority", any agency, examining board, credentialing board, or
4 other office with the authority to impose occupational fees or licensing requirements on any
5 occupation or profession;

6 (3) "Licensing requirement", any required training, education, or fee to work in
7 a specific occupation or profession;

8 (4) "Occupational fee", a fee or tax on professionals or businesses that is charged
9 for the privilege of providing goods or services within a certain jurisdiction. The term
10 "occupational fee" shall include any fee to obtain a license or renew a license;

11 (5) "Political subdivision", any city, town, village, or county.

12 2. All state and political subdivision licensing authorities shall revise their existing
13 licensing requirements to explicitly list the specific criminal offenses that disqualify an
14 applicant from receiving a license. Such lists shall be made available to the public.

15 3. Any requirement of a state or political subdivision licensing authority that
16 assesses the character or moral fitness of the applicant for licensure shall be limited to
17 consideration of the criminal offenses contained in the list developed by the licensing
18 authority under subsection 2 of this section.

19 4. A licensing authority shall include in the list described under subsection 2 of this
20 section only criminal offenses that directly relate to the duties and responsibilities of the
21 occupation or profession it regulates.

22 5. All licensing authorities shall meet the requirements of subsections 2 to 4 of this
23 section within ten months of the effective date of this section.

24 6. If the state, on or after August 28, 2018, requires a license to practice an
25 occupation or profession for which no license was required by the state before August 28,
26 2018, the state licensing authority for that occupation or profession shall establish a list of
27 disqualifying criminal offenses in accordance with the requirements of subsections 2 and
28 4 of this section and ensure that its consideration of character or moral fitness is limited
29 as described under subsection 3 of this section.

30 7. State licensing authorities shall promulgate rules to implement the provisions of
31 this section. Any rule or portion of a rule, as that term is defined in section 536.010, that
32 is created under the authority delegated in this section shall become effective only if it
33 complies with and is subject to all of the provisions of chapter 536 and, if applicable,
34 section 536.028. This section and chapter 536 are nonseverable, and if any of the powers
35 vested with the general assembly pursuant to chapter 536 to review, to delay the effective
36 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the
37 grant of rulemaking authority and any rule proposed or adopted after August 28, 2018,
38 shall be invalid and void.

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