

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

**HOUSE BILL NO. 1261**

**99TH GENERAL ASSEMBLY**

4881H.02P

D. ADAM CRUMBLISS, Chief Clerk

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**AN ACT**

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

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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 four new sections, to be 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:**

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

(2) "Occupational fee", a tax on or fee, including any application or renewal fee, for a professional license. "Occupational fee" shall not include a fee imposed by a political subdivision to obtain or renew a business license;

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

2. No political subdivision of this state shall impose any occupational fees or licensing requirements on any occupation or profession that is already subject to licensing requirements by the state after August 28, 2018.

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

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

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

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

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.

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;

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

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

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

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

32 5. The waiver described under subsection 2 of this section shall not apply to fees  
33 required to obtain business licenses.

34 6. State licensing authorities and the department of insurance, financial institutions  
35 and professional registration shall promulgate rules to implement the provisions of this  
36 section. Any rule or portion of a rule, as that term is defined in section 536.010, that is  
37 created under the authority delegated in this section shall become effective only if it  
38 complies with and is subject to all of the provisions of chapter 536 and, if applicable,  
39 section 536.028. This section and chapter 536 are nonseverable, and if any of the powers  
40 vested with the general assembly pursuant to chapter 536 to review, to delay the effective  
41 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the  
42 grant of rulemaking authority and any rule proposed or adopted after August 28, 2018,  
43 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 tax on or fee, including any application or renewal fee,  
9 for a professional license. "Occupational fee" shall not include a fee imposed by a political  
10 subdivision to obtain or renew a business license.

11 2. State licensing authorities shall not contract for pay, or otherwise compensate  
12 any lobbyist to lobby on their behalf; except this section shall not be construed to prohibit,  
13 limit, preclude, or deprive any officer or employee of a department or agency from  
14 exercising the department's or agency's individual right to communicate with members of  
15 the general assembly through proper official channels at the request of a member or to  
16 request legislative action or appropriations that are deemed necessary for the efficient  
17 conduct of public business or actually made in the proper performance of his or her official  
18 duties, including testifying before the general assembly or any committee thereof for  
19 information purposes.

**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 tax on or fee, including any application or renewal fee,  
9 for a professional license. "Occupational fee" shall not include a fee imposed by a political  
10 subdivision to obtain or renew a business 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, civil penalties or  
14 judgments, or disciplinary actions taken by other licensing authorities that may disqualify  
15 an applicant from receiving a license. Such lists shall be made available to the public.

16 3. Any requirement of a state or political subdivision licensing authority that  
17 assesses the character or moral fitness of the applicant for licensure shall be limited to

18 consideration of the criminal offenses, civil penalties or judgments, or disciplinary actions  
19 taken by other licensing authorities contained in the list developed by the licensing  
20 authority under subsection 2 of this section. If an applicant is denied licensure because  
21 such applicant has pleaded guilty to, entered a plea of nolo contendere to, or been found  
22 guilty of any criminal offenses contained in the list developed by the licensing authority  
23 under subsection 2 of this section, or because the applicant has been subject to any civil  
24 penalties or judgments, or disciplinary actions taken by other licensing authorities, the  
25 applicant may appeal such decision and request a hearing before the licensing authority,  
26 and the licensing authority may, at its discretion, reverse its initial decision.

27       4. A licensing authority shall include in the list described under subsection 2 of this  
28 section only criminal offenses, civil penalties or judgments, or disciplinary actions taken  
29 by other licensing authorities that directly relate to the duties and responsibilities of the  
30 occupation or profession it regulates.

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

33       6. If the state, on or after August 28, 2018, requires a license to practice an  
34 occupation or profession for which no license was required by the state before August 28,  
35 2018, the state licensing authority for that occupation or profession shall establish a list of  
36 disqualifying criminal offenses in accordance with the requirements of subsections 2 and  
37 4 of this section and ensure that its consideration of character or moral fitness is limited  
38 as described under subsection 3 of this section.

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

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