

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 167,
2 Page 3, Section 107.170, Line 63, by inserting after all of said section and line the following:

3
4 "324.950. 1. Sections 324.950 to 324.983 shall be known and may be cited as the "Missouri
5 Statewide Mechanical Contractor Licensing Act".

6 2. As used in sections 324.950 to 324.983, unless the context clearly indicates otherwise, the
7 following terms shall mean:

8 (1) "Division", the division of professional registration within the department of insurance,
9 financial institutions and professional registration;

10 (2) "License holder", any person who is granted a statewide license by the division;

11 (3) "Local license", a valid business or occupational license issued by a Missouri political
12 subdivision;

13 (4) "Mechanical contractor", a company engaged in mechanical contracting work per the
14 International Code Council (ICC) and NFPA 54, including the design, installation, maintenance,
15 construction, alteration, repair, and inspection of any:

16 (a) HVAC system;

17 (b) HVAC duct system;

18 (c) Exhaust systems;

19 (d) Combustion air or make up air;

20 (e) Chimneys and vents;

21 (f) Hydronic piping systems that are part of an HVAC system;

22 (g) Boilers, water heaters, and pressure vessels;

23 (h) Process piping systems;

24 (i) Fuel gas distribution piping;

25 (j) Fuel gas-fired, fuel oil-fired, and solid fuel appliances;

26 (k) Fuel oil piping and storage vessels;

27 (l) Fuel gas-fired, fuel oil-fired, and solid fuel appliance venting systems;

28 (m) Equipment and appliances intended to utilize solar energy for space heating or cooling;

29 (n) Domestic hot water heating, swimming pool heating, or process heating;

30 (o) Refrigeration systems, including all equipment and components thereof;

31 (p) Backflow preventers;

32 (q) Medical gas piping;

33 (r) Air, oxygen, and vacuum piping; and

34 (s) Fire suppression systems.

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36 Additional certification may be required by the division for a particular scope of mechanical work;

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1 (5) "Office", the office of mechanical contractors within the division of professional
 2 registration;

3 (6) "Person", an individual, corporation, partnership, association, or other legal entity;

4 (7) "Statewide mechanical contractor license", a valid license issued by the division that
 5 allows the mechanical contractor and any of its employees or manufacturers' representatives or
 6 subcontractors to practice in any jurisdiction in Missouri regardless of local licensing requirements.
 7 Political subdivisions cannot require any member of the work force of a licensed statewide
 8 mechanical contractor to obtain an individual occupational license.

9 324.953. 1. The division shall adopt, implement, rescind, amend, and administer such rules
 10 as may be necessary to carry out the provisions of sections 324.950 to 324.983. The division may
 11 promulgate necessary rules authorized or as required to explain or clarify sections 324.950 to
 12 324.983 including, but not limited to, rules relating to professional conduct, continuing competency
 13 requirements for the renewal of licenses, approval of continuing competency programs, fees, and the
 14 establishment of ethical standards of business practice for persons holding a license under sections
 15 324.950 to 324.983. Any rule or portion of a rule, as that term is defined in section 536.010, that is
 16 created under the authority delegated in this section shall become effective only if it complies with
 17 and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section
 18 and chapter 536 are nonseverable, and if any of the powers vested with the general assembly
 19 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are
 20 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or
 21 adopted after August 28, 2019, shall be invalid and void.

22 2. For the purposes of sections 324.950 to 324.983, the division shall:

23 (1) Establish all applicable fees, set at an amount which shall not substantially exceed the
 24 cost of administering sections 324.950 to 324.983; and

25 (2) Deposit all fees collected under sections 324.950 to 324.983 by transmitting such funds
 26 to the department of revenue for deposit to the state treasury to the credit of the Missouri mechanical
 27 contractor licensing fund.

28 324.956. There is hereby created the "Office of Mechanical Contractors", to be housed
 29 within the division of professional registration. The division shall:

30 (1) Employ, within the limits of the funds appropriated, persons as are necessary to carry out
 31 the provisions of sections 324.950 to 324.983, including both administrative and professional staff
 32 and legal counsel, with the discretion to hire experts in mechanical contracting to advise the division
 33 on technical matters related to mechanical contracting;

34 (2) Exercise all budgeting, purchasing, reporting, and related management functions;

35 (3) Conduct investigations to determine compliance with sections 324.950 to 324.983; and

36 (4) File suit, in its own name, on behalf of the office to enforce the provisions of sections
 37 324.950 to 324.983.

38 324.959. 1. The applicant for a statewide mechanical license shall satisfy the following
 39 requirements:

40 (1) Be at least twenty-one years of age;

41 (2) Provide proof of liability insurance in the amount of five hundred thousand dollars and
 42 post bond with each political subdivision in which he or she will perform work, as required by that
 43 political subdivision;

44 (3) Pass one of the following standardized and nationally offered mechanical assessment
 45 tests:

46 (a) International Code Council;

47 (b) Prometric; or

48 (c) North American Technician Excellence (NATE) certification; or

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1 a similar test that is administered by an independent professional testing agency not affiliated with
2 any political subdivision or the state of Missouri and is approved by the division. The applicant
3 shall pay for all costs associated with the examinations;

4 (4) Complete the application form provided by the division and pay any applicable
5 application fees; and

6 (5) Have completed seven thousand five hundred hours of verifiable field experience in the
7 mechanical industry or a bachelor's or further advanced degree in mechanical or civil engineering
8 from an accredited college or university with a minimum of three years' verifiable experience
9 directing and supervising at least one field employee.

10 2. Any applicant for licensure who holds a local license, as defined in section 324.950, or
11 other license authorizing him or her to engage in mechanical contracting, who has seven thousand
12 five hundred hours of verifiable field experience in the mechanical industry, and who is otherwise
13 eligible for licensure shall be issued a statewide mechanical license, therefore becoming a statewide
14 mechanical license holder. The provisions of this subsection shall apply only to licenses issued by a
15 political subdivision with the legal authority to issue such licenses.

16 3. If a corporation, firm, institution, organization, company, or representative thereof desires
17 to engage in mechanical contracting licensed under sections 324.950 to 324.985, it shall have in its
18 employ at least one license holder who possesses a statewide license in accordance with sections
19 324.950 to 324.983. A statewide licensed mechanical license holder shall represent only one
20 corporation, firm, institution, organization, or company at one time.

21 4. The division may issue a mechanical contractor license to any person who holds a current
22 and active license to engage in the practice of a mechanical contractor or as a master pipefitter or
23 master plumber issued by any other state, the District of Columbia, or territories of the United States
24 that require standards for licensure, registration, or certification considered to be equivalent or more
25 stringent than the requirements for licensure under sections 324.950 to 324.983.

26 324.962. 1. Political subdivisions shall not be prohibited from establishing their own local
27 mechanical contractor's license but shall recognize a statewide license in lieu of a local license for
28 the purposes of performing contracting work or obtaining permits to perform work within such
29 political subdivision. No political subdivision shall require the employees of a statewide licensed
30 mechanical contractor or its subcontractors or manufacturers' representatives to obtain journeyman
31 licenses, apprentice licenses, or occupation licenses that require passing any examination or any
32 special requirements to assess proficiency or mastery of the mechanical trade. The workforce of a
33 statewide licensee shall be deemed eligible to perform mechanical contracting work and to obtain
34 permits to perform such work from any political subdivision within the state of Missouri.

35 2. If a political subdivision does not recognize a statewide license in lieu of a local license
36 for the purposes of performing contracting work or obtaining permits to perform work within the
37 political subdivision, a statewide mechanical contractor licensee may file a complaint with the
38 division. The division shall perform an investigation into the complaint, and if the division finds
39 that the political subdivision failed to recognize a statewide license in accordance with this section,
40 the division shall notify the political subdivision that the political subdivision has violated the
41 provisions of this section and has thirty days to comply with this section. If after thirty days the
42 political subdivision still does not recognize a statewide license, the division shall notify the director
43 of the department of revenue, who shall withhold any moneys the noncompliant political
44 subdivision would otherwise be entitled to from local sales tax, as defined in section 32.085, until
45 the director has received notice from the division that the political subdivision is in compliance with
46 this section. Upon the political subdivision coming into compliance with the provisions of this
47 section, the division shall notify the director of the department of revenue, who shall disburse all
48 funds held under this subsection. Moneys held by the director of the department of revenue under
49 this subsection shall not be deemed to be state funds and shall not be commingled with any funds of

1 the state.

2 3. The provisions of this section shall not prohibit any political subdivision in this state
 3 from:

4 (1) Enforcing any code or law contained in this section;

5 (2) Requiring a business license to perform mechanical contracting work;

6 (3) Issuing mechanical contracting permits;

7 (4) Enforcing codes of the political subdivision; and

8 (5) Inspecting the work of a statewide mechanical contractor.

9 4. Political subdivisions that do not have the authority to issue or require mechanical
 10 contractor licenses prior to August 28, 2019, shall not be granted such authority under the provisions
 11 of this section.

12 324.965. There is hereby created in the state treasury the "Missouri Mechanical Contractor
 13 Licensing Fund", which shall consist of moneys collected under sections 324.950 to 324.983. The
 14 state treasurer shall be custodian of the fund and may approve disbursements from the fund in
 15 accordance with sections 30.170 and 30.180. Upon appropriation, moneys in the fund shall be used
 16 solely for the administration of sections 324.950 to 324.983. The provisions of section 33.080 to the
 17 contrary notwithstanding, moneys in this fund shall not be transferred and placed to the credit of
 18 general revenue until the amount in the fund at the end of the biennium exceeds three times the
 19 amount of the appropriation from the fund for the preceding fiscal year. The amount, if any, in the
 20 fund which shall lapse is that amount in the fund which exceeds the appropriate multiple of the
 21 appropriations from the fund for the preceding fiscal year. The state treasurer shall invest moneys in
 22 the fund in the same manner as other funds are invested. Any interest and moneys earned on such
 23 investments shall be credited to the fund.

24 324.968. 1. Licenses shall expire on a renewal date established by the division. The term of
 25 licensure shall be twenty-four months. The division shall mail a renewal notice to the last known
 26 address of each person licensed under sections 324.950 to 324.983 prior to the renewal date. Failure
 27 to provide the division with the information required for renewal or to pay the required fee after
 28 such notice shall result in the license being declared inactive. The licensee shall not practice until
 29 he or she applies for reinstatement and pays the required fees. The license shall be restored if the
 30 application for reinstatement is received within two years of the renewal date.

31 2. In addition to other requirements provided by sections 324.950 to 324.983 and
 32 established by the division, in order to renew such license under this section, the person shall have at
 33 least sixteen contact hours of industry-related training.

34 324.971. Any person operating as a mechanical contractor in a political subdivision that
 35 does not require the mechanical contractor to hold a local license, or who operates as a mechanical
 36 contractor in a political subdivision that requires a local license possessed by that person, shall not
 37 be required to possess a statewide license under sections 324.950 to 324.983 to operate as a
 38 mechanical contractor in such political subdivision.

39 324.977. The statewide license shall be regulated by the division of professional registration
 40 and not a state-appointed licensing board.

41 324.980. 1. The division may refuse to issue any certificate of registration or authority,
 42 permit, or license required under sections 324.950 to 324.983 for one or any combination of causes
 43 stated in subsection 2 of this section. The division shall notify the applicant in writing of the
 44 reasons for the refusal and shall advise the applicant of his or her right to file a complaint with the
 45 administrative hearing commission, as provided by chapter 621.

46 2. The division may cause a complaint to be filed with the administrative hearing
 47 commission, as provided by chapter 621, against any holder of any certificate of registration or
 48 authority, permit, or license required by sections 324.950 to 324.983, or any person who has failed
 49 to renew or has surrendered his or her certificate of registration or authority, permit, or license, for

1 any one or any combination of the following causes:

2 (1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to an
3 extent that such use impairs a person's ability to perform the work of any profession licensed or
4 regulated by sections 324.950 to 324.983;

5 (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or
6 nolo contendere, in a criminal prosecution under the laws of any state or of the United States for any
7 offense reasonably related to the qualifications, functions, or duties of any profession licensed or
8 regulated under sections 324.950 to 324.983, for any offense involving a controlled substance, or for
9 any offense an essential element of which is fraud, dishonesty, or an act of violence;

10 (3) Use of fraud, deception, misrepresentation, or bribery in securing any certificate of
11 registration or authority, permit, or license issued under sections 324.950 to 324.983 or in obtaining
12 permission to take any examination given or required under sections 324.950 to 324.983;

13 (4) Obtaining or attempting to obtain any fee, charge, tuition, or other compensation by
14 fraud, deception, or misrepresentation;

15 (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation, or dishonesty in
16 the performance of the functions or duties of any profession licensed or regulated by sections
17 324.950 to 324.983;

18 (6) Violation of, or assisting or enabling any person to violate, any provision of sections
19 324.950 to 324.983 or of any lawful rule or regulation adopted thereunder;

20 (7) Impersonation of any person holding a certificate of registration or authority, permit, or
21 license or allowing any person to use his or her certificate of registration or authority, permit,
22 license, or diploma from any school;

23 (8) Disciplinary action against the holder of a license or other right to practice any
24 profession regulated by sections 324.950 to 324.983 granted by another political subdivision, state,
25 territory, federal agency, or country upon grounds for which revocation or suspension is authorized
26 in this state;

27 (9) A person is finally adjudged mentally incompetent by a court of competent jurisdiction;

28 (10) Assisting or enabling any person to practice or offer to practice any profession licensed
29 or regulated by sections 324.950 to 324.983 who is not licensed or registered and currently eligible
30 to practice thereunder;

31 (11) Issuance of a certificate of registration or authority, permit, or license based upon a
32 material mistake of fact;

33 (12) Failure to maintain liability coverage as required for initial licensure;

34 (13) Violation of any professional trust or confidence;

35 (14) Use of any advertisement or solicitation that is false, misleading, or deceptive to the
36 general public or persons to whom the advertisement or solicitation is primarily directed; or

37 (15) Failure to post bond as required by any local jurisdiction.

38 3. After the filing of such complaint, the proceedings shall be conducted in accordance with
39 the provisions of chapter 621. Upon a finding by the administrative hearing commission that the
40 grounds provided in subsection 2 of this section for disciplinary action are met, the division may,
41 singly or in combination, censure or place the person named in the complaint on probation, on such
42 terms and conditions as the division deems appropriate, for a period not to exceed five years or may
43 suspend, for a period not to exceed three years, or revoke any certificate of registration or authority,
44 permit, or license issued under sections 324.950 to 324.983.

45 4. An individual whose certificate of registration or authority, permit, or license has been
46 revoked shall wait three years from the date of revocation to apply for any certificate of registration
47 or authority, permit, or license under sections 324.950 to 324.983. Any certificate of registration or
48 authority, permit, or license shall be issued at the discretion of the board after compliance with all
49 the requirements of sections 324.950 to 324.983 relative to the licensing or registration of the

1 applicant for the first time.

2 5. The division may file suit to enforce compliance, including the authority to seek
3 injunctions and restraining orders to enjoin any person from:

4 (1) Offering to engage or engaging in the performance of any acts or practices for which a
5 license is required upon a showing that such acts or practices were performed or offered to be
6 performed without a certificate of registration or authority, permit, or license;

7 (2) Engaging in the practice of business authorized by a license issued under a building
8 trades contractor law upon a showing that the license holder presents a substantial probability of
9 serious harm to the health, safety, or welfare of any resident of this state or owner or lessee of real
10 property within this state; or

11 (3) Refusing to recognize a statewide license as a valid license within any political
12 subdivision, or requiring journeymen or apprentices to be individually licensed or requiring
13 subcontractors and manufacturer's representatives, or other members of the contractor's workforce to
14 be licensed.

15 6. The division may assess fines for violations of any of the provisions of sections 324.950
16 to 324.983 in an amount not to exceed five thousand dollars per occurrence upon a judicial or
17 administrative finding of violation of law.

18 7. The division may compel the production of documents, things, or persons by subpoena.

19 8. The division may refer any violations of the provisions of any state law or local ordinance
20 relating to the work performed by a licensee to the appropriate state or local official.

21 324.983. 1. Any person that knowingly violates any provision of sections 324.950 to
22 324.983 is guilty of a class B misdemeanor.

23 2. Any officer or agent of a corporation or member or agent of a partnership or association
24 who knowingly and personally participates in or is an accessory to any violation of sections 324.950
25 to 324.983 is guilty of a class B misdemeanor.

26 3. The division may file suit for any violation of sections 324.950 to 324.983 in any court of
27 competent jurisdiction and perform such other acts as may be necessary to enforce the provisions of
28 sections 324.950 to 324.983."; and

29
30 Further amend said bill by amending the title, enacting clause, and intersectional references
31 accordingly.