

HCS HB 1891 -- MECHANICAL CONTRACTOR LICENSE

SPONSOR: Schroer

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Professional Registration and Licensing by a vote of 10 to 2. Voted "Do Pass" by the Standing Committee on Rules-Administrative Oversight by a vote of 4 to 3.

The following is a summary of the House Committee Substitute for HCS HB 1891.

This bill shall be known as the "Missouri Statewide Mechanical Contractor Licensing Act".

This bill creates a statewide mechanical contractor license which shall be issued and regulated by the Division of Professional Registration. The bill creates the "Office of Mechanical Contractors" within the division, to carry out the provisions of licensure.

Applicants for a statewide mechanical license must meet certain criteria. A corporation, firm, institution, organization, company, or representative seeking to engage in mechanical contracting, is required to employ at least one license holder. A statewide licensed mechanical contractor may represent only one entity at a time.

A mechanical contractor shall have one license-holder responsible for offering field employees eight contact hours of industry training each year, and mechanical contractors shall be responsible for providing proof of such training to the division upon request.

In the event of a loss of a license holder, a mechanical contractor shall remain in good standing with the division for six months after notifying the division of such change. Within the six month period, a new license holder shall be registered with the division. If no license holder is registered within such six month period, the division shall declare the mechanical contractor inactive.

Political subdivisions may establish their own local mechanical contractor's license, but must recognize a statewide license in lieu of a local license for the purposes of performing contracting work or obtaining permits to perform work within such political subdivision. No political subdivision may require the employees of a statewide licensed mechanical contractor or its subcontractors or manufacturers' representatives to obtain journeymen licenses, apprenticeship licenses, or occupational licenses that require

passing any examination or any special requirements to assess proficiency.

If a political subdivision does not recognize a statewide license in lieu of a local license, a statewide mechanical contractor licensee may file a complaint with the division, which may investigate such complaint. If the division finds that the political subdivision failed to recognize a statewide license, the division shall notify the political subdivision of such violation and grant them 30 days to comply. If after 30 days the political subdivision does not comply, the division shall notify the Director of the Department of Revenue, who shall withhold any moneys the political subdivision would otherwise be entitled to from local sales tax until the political subdivision is in compliance.

The bill establishes the "Missouri Mechanical Contractor Licensing Fund" in the State Treasury, which shall be expended for the administration of the provisions of the bill.

Mechanical contractor licenses shall expire on a renewal date established by the division. The division shall, prior to the renewal date, mail a renewal notice to the last known address of each person licensed as a mechanical contractor. Failure to provide the division with the information required for renewal or to pay the required fee shall result in the license being declared inactive. The license shall remain inactive until the licensee applies for reinstatement and pays the required fees, so long as the application for reinstatement is received within two years of the renewal date.

Any person operating as a mechanical contractor in a political subdivision shall not be required to possess a statewide license to operate as a mechanical contractor in such political subdivision.

The division may refuse to issue any certificate of registration or license, and may cause a complaint to be filed with the Administrative Hearing Commission against any holder of a certificate of registration or license. Upon a finding by the Administrative Hearing Commission that grounds for disciplinary action are met, the division may censure or place such a person on probation for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke any license. Upon a judicial or administrative finding of a violation of the bill, the division may assess fines up to \$5,000.

Any person who knowingly violates the provisions of the bill is guilty of a class B misdemeanor.

This bill is the same as SB 559 (2020), and similar to SB 376 , HCS HB 326, SCS HB 705 (2019), and HB 2673 (2018).

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced version of the bill.

PROPONENTS: Supporters say that current mechanical contractor requirements vary from one city or municipality to the next. Individuals are required to get multiple licenses which takes time and money. The current system eliminates competition and raises the prices for consumers. This license is not required, it just helps to remove some of the barriers for those working in the industry.

Testifying for the bill were Representative Schroer; Robert Hoffman, Hoffman Brothers Heating; Mark Jackson, All Air Systems Heating And Cooling; Jeff Aboussie, City of St. Louis; Heather Coil, Associated Builders And Contractors; Tyler Menes, Kirkwood Heating And Air Conditioning; Mike Keeven, Keeven Heating And Cooling; Kellie Jones, Gateway Air Conditioning Contractors; and Brian Agers, Agers Heating And Cooling.

OPPONENTS: Those who oppose the bill say that every individual working in the field should be required to have a license, not just one person for each company. Opponents say that the issue of license reciprocity has already been addressed. This bill removes the rights of individual counties to license in the manner that best protects the citizens of that county.

Testifying against the bill were Brian Rogers, International Association of Plumbing and Mechanical Officials; Missouri Association of Plumbing, Heating, And Cooling Contractors/SMACNA/Plumbing Industry Council; St. Louis Sheet Metal, Air Conditioning Contractors, Plumbing Industry Council; and Kyle Tibbs, Sheet Metal And Air Conditioning Contractors National Association.

OTHERS: Others testifying on the bill say that this legislation is redundant.

Testifying on the bill was St Louis County.