

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Bill No. 820, Page 1, Section A, Line 3, by
2 inserting after all of the 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 commerce
9 and insurance;

10 (2) "Field employee", any person who is an employee of a mechanical contractor and is
11 engaged in mechanical work at a jobsite within Missouri;

12 (3) "License holder", any person who is granted a statewide mechanical contractor license
13 by the division;

14 (4) "Local license", a valid business or occupational license issued by a Missouri political
15 subdivision;

16 (5) "Mechanical contractor", a company engaged in mechanical contracting work per the
17 International Code Council (ICC) and National Fire Protection Association (NFPA).

18 (a) Such contracting work shall include the design, installation, maintenance, construction,
19 alteration, repair, and inspection of any:

20 a. HVAC system;

21 b. HVAC duct system;

22 c. Exhaust systems;

23 d. Combustion air or make up air;

24 e. Chimneys and vents;

25 f. Hydronic piping systems that are part of an HVAC system;

26 g. Boilers, water heaters, and pressure vessels;

27 h. Process piping systems;

28 i. Fuel gas distribution piping;

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- j. Fuel gas-fired, fuel, and oil-fired appliances;
- k. Fuel oil piping and storage vessels;
- l. Fuel gas-fired and fuel oil-fired appliance venting systems;
- m. Equipment and appliances intended to utilize solar energy for spa heating or cooling;
- n. Domestic hot water heating, swimming pool heating, or process heating;
- o. Refrigeration systems, including all equipment and components thereof;
- p. Backflow preventers;
- q. Medical gas piping;
- r. Air, oxygen, and vacuum piping; and
- s. Chillers and cooling towers.

(b) For purposes of this subdivision, the term "mechanical contractor work" shall not include the design, installation, maintenance, construction, alteration, repair, or inspection of any:

- a. Solid-fuel or gas-fueled hearth appliance, such as wood stoves and fireplaces, including manufacturer-specified venting systems, fireplace chimneys, outdoor cooking appliances with manufacturer specified venting systems, outdoor fireplaces, and outdoor firepits;
- b. Propane-related equipment for which certification is required by any regulation adopted pursuant to subdivision (3) of subsection 13 of section 323.025; or
- c. Fire sprinkler or suppression system.

Additional certification may be required by the division for a particular scope of mechanical work;
(6) "Office", the office of mechanical contractors within the division of professional registration;

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

(8) "Statewide mechanical contractor license", a valid license issued by the division that allows the mechanical contractor and any of its employees or manufacturers' representatives or subcontractors to practice in any jurisdiction in Missouri regardless of local licensing requirements.

324.953. 1. The division shall adopt, implement, rescind, amend, and administer such rules as may be necessary to carry out the provisions of sections 324.950 to 324.983. The division may promulgate necessary rules authorized or as required to explain or clarify sections 324.950 to 324.983 including, but not limited to, rules relating to professional conduct, continuing competency requirements for the renewal of licenses, approval of continuing competency programs, fees, and the establishment of ethical standards of business practice for persons holding a license under sections 324.950 to 324.983. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly

1 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are
2 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or
3 adopted after August 28, 2022, shall be invalid and void.

4 2. For the purpose of sections 324.950 to 324.983, the division shall:

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

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

10 3. Nothing in sections 324.950 to 324.983 shall apply to any certification required by
11 regulation adopted under subdivision (3) of subsection 13 of section 323.025.

12 324.956. There is hereby created the "Office of Mechanical Contractors" to be housed
13 within the division of professional registration. The division shall:

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

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

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

20 (4) File suit in its own name on behalf of the office to enforce the provisions of sections
21 324.950 to 324.983.

22 324.959. 1. The applicant for a statewide mechanical contractor license shall satisfy the
23 following requirements:

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

25 (2) Provide proof of liability insurance in the amount of one million dollars and post bond
26 with each political subdivision in which he or she will perform work as required by that political
27 subdivision. If a political subdivision requires any license holder to be named on a document
28 including, but not limited to, the bond, the license holder of the mechanical contractor shall be
29 allowed to provide services in the political subdivision;

30 (3) Pass:

31 (a) A standardized mechanical assessment test nationally offered by:

32 a. The International Code Council;

33 b. Prometric; or

34 c. The International Association of Plumbing and Mechanical Officials (IAPMO); or

35 (b) A test similar to any test described in paragraph (a) of this subdivision that is
36 administered by an independent professional testing agency not affiliated with any political
37 subdivision or the state of Missouri and that is approved by the division;

38 (4) Pay for all costs associated with the tests described in subdivision (3) of this subsection;

39 (5) Complete the application form provided by the division and pay any applicable

1 application fees; and

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

6 2. Any applicant for licensure who holds a local license or other license authorizing him or
7 her to engage in mechanical contracting, who has seven thousand five hundred hours of verifiable
8 field experience in mechanical contracting work, and who is otherwise eligible for licensure shall be
9 issued a statewide mechanical contractor license. The provisions of this subsection shall apply only
10 to licenses issued by a political subdivision with the legal authority to issue such licenses.

11 3. If a corporation, firm, institution, organization, company, or representative thereof desires
12 to engage in mechanical contracting under sections 324.950 to 324.983, it shall have in its employ at
13 least one statewide license holder in accordance with sections 324.950 to 324.983. A statewide
14 mechanical contractor license holder shall represent only one corporation, firm, institution,
15 organization, or company at one time. A mechanical contractor shall have one license holder
16 responsible for offering Missouri-based field employees eight contact hours of industry training per
17 year, and such mechanical contractor shall be responsible for providing proof of training to the
18 division upon request. In the event of a loss of a license holder, a mechanical contractor shall
19 remain in good standing with the division for six months after notifying the division of the change in
20 status. Within the six-month period, a new license holder shall be registered with the division. If no
21 license holder is registered within such six-month period, the division shall declare the mechanical
22 contractor inactive.

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

28 5. Where the contact information of a mechanical contractor's employees is required to
29 fulfill the obligations of a license, such contact information shall be considered a trade secret and
30 therefore not a public record under chapter 610.

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

1 2. If a political subdivision does not recognize a statewide license in lieu of a local license
2 for the purposes of performing contracting work or obtaining permits to perform work within the
3 political subdivision, a statewide mechanical contractor licensee may file a complaint with the
4 division. The division shall perform an investigation into the complaint, and if the division finds
5 that the political subdivision failed to recognize a statewide license in accordance with this section,
6 the division shall notify the political subdivision that the political subdivision has violated the
7 provisions of this section and has thirty days to comply with this section. If after thirty days the
8 political subdivision still does not recognize a statewide license, the division shall notify the director
9 of the department of revenue, who shall withhold any moneys the noncompliant political
10 subdivision would otherwise be entitled to from local sales tax, as defined in section 32.085, until
11 the director has received notice from the division that the political subdivision is in compliance with
12 this section. Upon the political subdivision coming into compliance with the provisions of this
13 section, the division shall notify the director of the department of revenue, who shall disburse all
14 funds held under this subsection. Moneys held by the director of the department of revenue under
15 this subsection shall not be deemed to be state funds and shall not be commingled with any funds of
16 the state.

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

- 19 (1) Enforcing any technical code or law contained in this section;
20 (2) Requiring a business license to perform mechanical contracting work;
21 (3) Issuing mechanical contracting permits;
22 (4) Enforcing technical codes of the political subdivision; or
23 (5) Inspecting the work of a statewide mechanical contractor.

24 4. Political subdivisions that do not have the authority to issue or require mechanical
25 contractor licenses prior to August 28, 2022, shall not be granted such authority under the provisions
26 of this section.

27 324.965. There is hereby created in the state treasury the "Missouri Mechanical Contractor
28 Licensing Fund", which shall consist of moneys collected under sections 324.950 to 324.983. The
29 state treasurer shall be custodian of the fund and may approve disbursements from the fund in
30 accordance with sections 30.170 and 30.180. Upon appropriation, moneys in the fund shall be used
31 solely for the administration of sections 324.950 to 324.983. The provisions of section 33.080 to the
32 contrary notwithstanding, moneys in this fund shall not be transferred and placed to the credit of
33 general revenue until the amount in the fund at the end of the biennium exceeds three times the
34 amount of the appropriation from the fund for the preceding fiscal year. The amount, if any, in the
35 fund that shall lapse is that amount in the fund that exceeds the appropriate multiple of the
36 appropriations from the fund for the preceding fiscal year. The state treasurer shall invest moneys in
37 the fund in the same manner as other funds are invested. Any interest and moneys earned on such
38 investments shall be credited to the fund.

39 324.968. 1. Licenses shall expire on a renewal date established by the division. The term of

1 licensure shall be twenty-four months. The division shall mail a renewal notice to the last known
2 address of each person licensed under sections 324.950 to 324.983 prior to the renewal date. Failure
3 to provide the division with the information required for renewal or to pay the required fee after
4 such notice shall result in the license being declared inactive. The licensee shall not practice until
5 he or she applies for reinstatement and pays the required fees. The license shall be restored if the
6 application for reinstatement is received within two years of the renewal date.

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

10 324.971. Any person operating as a mechanical contractor in a political subdivision that
11 does not require the mechanical contractor to hold a local license, or who operates as a mechanical
12 contractor in a political subdivision that requires a local license possessed by that person, shall not
13 be required to possess a statewide license under sections 324.950 to 324.983 to operate as a
14 mechanical contractor in such political subdivision.

15 324.977. The statewide mechanical contractor license shall be regulated by the division of
16 professional registration and not a state-appointed licensing board.

17 324.980. 1. The division may refuse to issue a statewide mechanical contractor license for
18 one or any combination of causes stated in subsection 2 of this section. The division shall notify the
19 applicant in writing of the reasons for the refusal and shall advise the applicant of his or her right to
20 file a complaint with the administrative hearing commission as provided by chapter 621.

21 2. The division may cause a complaint to be filed with the administrative hearing
22 commission as provided by chapter 621 against any license holder or any person who has failed to
23 renew or has surrendered his or her license for any one or any combination of the following causes:

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

27 (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or
28 nolo contendere, in a criminal prosecution under the laws of any state, of the United States, or of
29 any country for any offense directly related to the duties and responsibilities of the occupation, as
30 set forth in section 324.012, regardless of whether a sentence is imposed;

31 (3) Use of fraud, deception, misrepresentation, or bribery in securing any license issued
32 under sections 324.950 to 324.983 or in obtaining permission to take any examination given or
33 required under sections 324.950 to 324.983;

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

36 (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation, or dishonesty in
37 the performance of the functions or duties of any profession licensed or regulated by sections
38 324.950 to 324.983;

39 (6) Violation of, or assisting or enabling any person to violate, any provision of sections

1 324.950 to 324.983, or of any lawful rule or regulation adopted thereunder;

2 (7) Impersonation of any person holding a statewide mechanical contractor license or
3 allowing any person to use his or her license or diploma from any school;

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

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

9 (10) Assisting or enabling any person to practice or offer to practice any profession licensed
10 or regulated by sections 324.950 to 324.983 who is not licensed and currently eligible to practice
11 thereunder in the particular jurisdiction;

12 (11) Issuance of a license based upon a material mistake of fact;

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

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

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

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

18 3. After the filing of such complaint, the proceedings shall be conducted in accordance with
19 the provisions of chapter 621. Upon a finding by the administrative hearing commission that the
20 grounds provided in subsection 2 of this section for disciplinary action are met, the division may,
21 singly or in combination, censure or place the person named in the complaint on probation on such
22 terms and conditions as the division deems appropriate for a period not to exceed five years, or may
23 suspend, for a period not to exceed three years, or revoke any license issued under sections 324.950
24 to 324.983.

25 4. An individual whose license has been revoked shall wait three years from the date of
26 revocation to apply for any license under sections 324.950 to 324.983. Any license shall be issued
27 at the discretion of the division after compliance with all the requirements of sections 324.950 to
28 324.983 relative to the licensing or registration of the applicant for the first time.

29 5. The division may file suit to enforce compliance and shall have the authority to seek
30 injunctions and restraining orders to enjoin any person from:

31 (1) Offering to engage or engaging in the performance of any acts or practices for which a
32 license is required upon a showing that such acts or practices were performed or offered to be
33 performed without a license;

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

38 (3) Refusing to recognize a statewide license as a valid license within any political
39 subdivision, requiring journeymen or apprentices to be individually licensed, or requiring

1 subcontractors' and manufacturers' representatives or other members of the contractor's workforce to
2 be licensed.

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

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

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

9 324.983. 1. Any person who knowingly violates any provision of sections 324.950 to
10 324.983 is guilty of a class B misdemeanor.

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

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

17
18 Further amend said bill by amending the title, enacting clause, and intersectional references
19 accordingly.