

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute
2 for Senate Bill No. 96, Page 40, Section 321.246, Line 74, by inserting after all of said section and
3 line the following:
4

5 "324.950. 1. Sections 324.950 to 324.974 shall be known and may be cited as the "Missouri
6 Statewide Mechanical Contractor Licensing Act" and shall not be affected by the provisions of
7 section 324.009. The provisions of sections 324.950 to 324.974 shall not be construed to affect the
8 provisions of chapter 341.

9 2. As used in sections 324.950 to 324.974, unless the context clearly indicates otherwise, the
10 following terms shall mean:

11 (1) "Apprentice", a person who holds a valid statewide mechanical apprentice license to
12 perform mechanical work for, and under the direct supervision of, a journeyman;

13 (2) "Contractor", a person who holds a valid statewide mechanical contractor license and
14 who is employed by a corporation, firm, institution, organization, or company to perform
15 mechanical work and directly supervise the performance of mechanical work by journeymen;

16 (3) "Division", the division of professional registration within the department of commerce
17 and insurance;

18 (4) "Journeyman", a person who holds a valid statewide mechanical journeyman license to
19 perform mechanical work for, and under the supervision of and inspection of, a contractor, and to
20 supervise and inspect the mechanical work of an apprentice;

21 (5) "Local license", a license issued by a political subdivision and valid only in that political
22 subdivision that is required to bid, accept, or perform mechanical work;

23 (6) "Mechanical work", work per the International Code Council, International Association
24 of Plumbing and Mechanical Officials, 30 CSR 20, or the National Fire Protection Association
25 (NFPA) 99.

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

28 a. HVAC system and associated appurtenances;

29 b. HVAC duct system and associated appurtenances;

30 c. Exhaust systems and associated appurtenances;

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- 1 d. Combustion air or make up air and associated appurtenances;
2 e. Chimneys and vents and associated appurtenances, excluding those regulated by local
3 ordinances as such existed on April 18, 2023;
4 f. Hydronic piping systems and associated appurtenances that are part of an HVAC system;
5 g. Boilers, water heaters that are one hundred twenty gallons and above, or two hundred
6 thousand British thermal units (BTUs) and above, and pressure vessels and associated
7 appurtenances, excluding those covered by a nationally-standardized plumbing code, those
8 regulated by local ordinances as such existed on April 18, 2023, or those used for potable water
9 systems;
10 h. Process piping systems and associated appurtenances;
11 i. Fuel gas distribution piping and associated appurtenances, excluding those regulated by
12 local ordinances as such existed on April 18, 2023;
13 j. Fuel oil-fired and solid fuel appliances and associated appurtenances, excluding those
14 covered by a nationally-standardized plumbing code or local ordinances promulgated by a political
15 subdivision of this state as such ordinances existed on April 18, 2023;
16 k. Fuel oil piping and storage vessels and associated appurtenances;
17 l. Fuel oil-fired and solid fuel appliance venting systems and associated appurtenances;
18 m. Equipment and appliances intended to utilize solar energy for space heating or cooling
19 together with associated appurtenances;
20 n. Process heating and associated appurtenances;
21 o. Refrigeration systems, including all equipment and components thereof and associated
22 appurtenances;
23 p. Nonmedical air, nonmedical oxygen, and nonmedical vacuum piping for mechanical
24 equipment and associated appurtenances, excluding work covered by a nationally-standardized
25 plumbing code;
26 q. Liquified petroleum gas distribution piping and associated appurtenances, excluding work
27 covered by a nationally-standardized plumbing code or local ordinances as such ordinances existed
28 on April 18, 2023;
29 r. Biogas, biodiesel, hydrogen processing systems, and ethanol distribution and associated
30 appurtenances;
31 s. Chillers, cooling towers, and associated support steel and appurtenances for cooling
32 towers;
33 t. Petroleum piping and venting together with associated equipment and associated
34 appurtenances, pumps, and tanks governed by NPFA 30 and 30a;
35 u. All fuel and petroleum pipelines, piping, and associated pumping stations with associated
36 equipment and appurtenances; and
37 v. All associated equipment and facilities related to subparagraphs a. to u. of this paragraph.

(b) Notwithstanding the provisions of this subdivision to the contrary, "mechanical work" shall not include, and the provisions of sections 324.950 to 324.974 shall not apply to, the design, installation, maintenance, construction, alteration, repair, or inspection of any:

a. Solid-fuel or gas-fueled hearth appliance, including, but not limited to, wood stoves and fireplaces, manufacturer-specified venting systems, fireplace chimneys, outdoor cooking appliances with manufacturer-specified venting systems, outdoor fireplaces, or outdoor fire pits;

b. Propane-related equipment for which certification is required by any regulation adopted under subdivision (3) of subsection 13 of section 323.035; or

c. Fire sprinkler or suppression systems.

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

(7) "Residential work", service-related and replacement-related mechanical work in an existing domicile for or on behalf of the individual owners or renters occupying:

(a) Single-family houses;

(b) An individual dwelling unit in a duplex, triplex, or fourplex; or

(c) An individual dwelling unit in an apartment building containing five or more apartments.

"Residential work" shall not include new construction or work required for a building or structure as a whole that services more than one dwelling unit;

(8) "Statewide mechanical apprentice license", a valid license issued by the division to an apprentice to physically perform mechanical work under the direct supervision and inspection of a journeyman;

(9) "Statewide mechanical contractor license", a valid license issued by the division to a contractor to bid and accept mechanical work in any political subdivision regardless of local requirements to bid and accept mechanical work, to physically perform mechanical work, and to directly supervise and inspect the mechanical work of a journeyman;

(10) "Statewide mechanical journeyman license", a valid license issued by the division to a journeyman to physically perform mechanical work under the supervision and inspection of a contractor and to directly supervise and inspect the mechanical work of an apprentice.

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 324.974, including but not limited to, the following:

(1) Training, education, and experience requirements for licensure under sections 324.950 to 324.974;

(2) Application forms and fees;

(3) Professional education units for license renewal and approval of professional education programs;

(4) Renewal dates, notifications of renewal, and renewal applications and fees;

(5) Inactive licenses and reinstatement procedures; and

1 (6) Professional conduct and ethical standards of business practice for licensees.

2
3 Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the
4 authority delegated in this section shall become effective only if it complies with and is subject to all
5 of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536
6 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536
7 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held
8 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after
9 August 28, 2023, shall be invalid and void.

10 2. For the purpose of sections 324.950 to 324.974, the division shall:

11 (1) Employ, within the limits of the appropriations for such purpose, employees as are
12 necessary to carry out the provisions of sections 324.950 to 324.974;

13 (2) Exercise all administrative functions;

14 (3) Establish all applicable fees, set at an amount that shall not substantially exceed the cost
15 of administering sections 324.950 to 324.974;

16 (4) Deposit all fees collected by transmitting such funds to the department of revenue for
17 deposit to the state treasury to the credit of the Missouri mechanical contractor licensing fund
18 established under section 324.956;

19 (5) Enter into agreements with the boiler and pressure vessel safety unit within the division
20 of fire safety of the department of public safety to investigate complaints against a licensee from
21 persons who receive services from the licensee and for the submission of a report to the division of
22 such investigation; provided that the division shall retain the authority to institute any enforcement
23 action against a licensee as a result of an investigation under this subdivision. Nothing in this
24 subdivision shall be construed to prevent the boiler and pressure vessel safety unit from reporting a
25 violation of sections 324.950 to 324.974 found during a routine inspection to the division; and

26 (6) Institute actions to enforce compliance with the provisions of sections 324.950 to
27 324.974.

28 3. No new licensing activity assigned to the division under sections 324.950 to 324.974 shall
29 become effective until the initial rules filed under this section have become effective.

30 324.956. There is hereby created in the state treasury the "Missouri Mechanical Contractor
31 Licensing Fund", which shall consist of moneys collected under sections 324.950 to 324.974. The
32 state treasurer shall be custodian of the fund and may approve disbursements from the fund in
33 accordance with sections 30.170 and 30.180. Upon appropriation, moneys in the fund shall be used
34 solely for the administration of sections 324.950 to 324.974. The provisions of section 33.080 to the
35 contrary notwithstanding, moneys in this fund shall not be transferred and placed to the credit of
36 general revenue until the amount in the fund at the end of the biennium exceeds three times the
37 amount of the appropriation from the fund for the preceding fiscal year. The amount, if any, in the
38 fund which shall lapse is that amount in the fund which exceeds the appropriate multiple of the
39 appropriations from the fund for the preceding fiscal year. The state treasurer shall invest moneys in

1 the fund in the same manner as other funds are invested. Any interest and moneys earned on such
2 investments shall be credited to the fund.

3 324.959. The provisions of sections 324.950 to 324.974 shall not apply to mechanical work,
4 including residential work, performed in any county with more than two hundred sixty thousand but
5 fewer than three hundred thousand inhabitants, any county with more than fifty thousand but fewer
6 than sixty thousand inhabitants and with a county seat with more than ten thousand but fewer than
7 twelve thousand six hundred inhabitants, or any county with more than one hundred twenty
8 thousand but fewer than one hundred fifty thousand inhabitants, or any political subdivision
9 contained within such counties.

10 324.962. 1. The applicant for a statewide mechanical contractor license shall have:

11 (1) Completed the application form provided by the division and pay any applicable
12 application fees;

13 (2) Provided proof of liability insurance in the amount of one million dollars and posted
14 bond with each political subdivision in which he or she will perform work, as required by that
15 political subdivision; and

16 (3) Completed the educational, training, and experience requirements equal to or greater
17 than that of a contractor's license, as such existed on April 18, 2023, in the mechanical code or
18 ordinance of any county with more than one million inhabitants.

19 2. The applicant for a statewide mechanical journeyman license shall have:

20 (1) Completed the application form provided by the division and pay any applicable
21 application fees; and

22 (2) Completed the educational, training, and experience requirements equal to or greater
23 than that of a journeyman license, as such existed on April 18, 2023, in the mechanical code or
24 ordinance of any county with more than one million inhabitants.

25 3. The applicant for a statewide mechanical apprentice license shall have:

26 (1) Completed the application form provided by the division and pay any applicable
27 application fees; and

28 (2) Completed the educational, training, and experience requirements equal to or greater
29 than that of an apprentice license, as such existed on April 18, 2023, in the mechanical code or
30 ordinance of any county with more than one million inhabitants.

31 324.965. 1. Any corporation, firm, institution, organization, company, or representative
32 thereof engaging in mechanical work in a political subdivision that requires a local license in order
33 to perform such work shall:

34 (1) Have in its employ, at a supervisory level, at least one statewide mechanical contractor
35 licensee, or an equivalent local licensee. A statewide mechanical contractor licensee shall represent
36 only one firm, company, corporation, institution, or organization at one time;

37 (2) For purposes of performing residential work, have either a statewide mechanical
38 contractor licensee or a statewide mechanical journeyman licensee to perform, direct, inspect, or
39 supervise the work, or the equivalent local licensee; and

1 (3) For all other mechanical work, have at least one statewide mechanical journeyman
2 licensee on site for every statewide mechanical apprentice licensee performing the work, or the
3 equivalent local licensee.

4 2. Any person performing mechanical work in a political subdivision that does not require
5 the person to hold a local license, or any person who possesses such local license, shall not be
6 required to obtain or possess a statewide license under sections 324.950 to 324.974 to perform
7 mechanical work in such political subdivision.

8 3. (1) Political subdivisions shall not be prohibited from establishing their own mechanical
9 contractor, journeyman, or apprentice licenses, but shall recognize a statewide license in lieu of the
10 equivalent local license for the purpose of performing mechanical work in such political
11 subdivision. A statewide licensee under sections 324.950 to 324.974 shall be deemed eligible to
12 perform mechanical work and to obtain permits to perform said work from any political subdivision
13 in this state commensurate with the corresponding local license.

14 (2) Nothing in sections 324.950 to 324.974 shall be construed to prohibit a political
15 subdivision from enforcing any of the political subdivision's codes, ordinances, or laws; inspecting
16 the work of licensees; or reporting suspected violations of sections 324.950 to 324.974 to the
17 division for investigation of the licensee.

18 4. (1) If a political subdivision does not recognize a statewide license in lieu of an
19 equivalent local license for the purposes of performing mechanical work or obtaining permits to
20 perform mechanical work within the political subdivision, then a statewide licensee may file a
21 complaint with the division.

22 (2) The division shall perform an investigation into the complaint, and if the division finds
23 that the political subdivision failed to recognize a statewide license in accordance with the
24 provisions of this section, then the division shall notify the political subdivision that the political
25 subdivision has violated the provisions of this section and has thirty days to comply with the law.

26 (3) If, after thirty days of notification by the division, the political subdivision continues to
27 refuse or fail to recognize a statewide license, then the division shall notify the director of the
28 department of revenue, who shall withhold any moneys that the noncompliant political subdivision
29 would otherwise be entitled to from local sales tax, as defined in section 32.085, until the director
30 has received notice from the division that the political subdivision is in compliance with this section.

31 (4) When the political subdivision becomes compliant with the provisions of this section,
32 the division shall notify the director of the department of revenue who shall disburse all funds held
33 under this subsection. Moneys held by the director of the department of revenue under this
34 subsection shall not be deemed to be state funds and shall not be commingled with any funds of the
35 state.

36 324.968. Licenses issued under sections 324.950 to 324.974 shall expire on a renewal date
37 established in rule by the division. The term of licensure shall be three years. The division shall
38 mail a renewal notice prior to the renewal date. Professional education units needed for license
39 renewal, as well as procedures involving inactive licenses and reinstatement of licenses shall be

1 equal to those in the mechanical code or ordinance, as such existed on April 18, 2023, of any county
2 with more than one million inhabitants.

3 324.971. 1. The division may refuse to issue or renew or may suspend any license under
4 sections 324.950 to 324.974 for one or any combination of causes stated in subsection 3 of this
5 section. The division shall notify the applicant in writing of the reasons for the refusal and shall
6 advise the applicant of his or her right to file a complaint with the administrative hearing
7 commission as provided by chapter 621.

8 2. The division shall publish via electronic media and update on a weekly basis a list of
9 valid statewide mechanical contractor licensees under sections 324.950 to 324.974, a list of current
10 enforcement actions against such licensees, and the procedures for filing grievances against any
11 statewide mechanical contractor, mechanical journeyman, and mechanical apprentice licensees.

12 3. The division may cause a complaint to be filed with the administrative hearing
13 commission as provided by chapter 621 against any licensee under sections 324.950 to 324.974 or
14 any person who has failed to renew or has surrendered his or her license for any one or any
15 combination of the following causes:

16 (1) The final adjudication and finding of guilty, or the entering of a plea of guilty or nolo
17 contendere, in a criminal prosecution under the laws of any state, of the United States, or of any
18 country, for any offense reasonably related to the qualifications, duties, and responsibilities of a
19 licensee under sections 324.950 to 324.974 for any offense an essential element of which is fraud,
20 dishonesty, or an act of violence;

21 (2) Use of fraud, deception, misrepresentation, or bribery in securing any license issued
22 under sections 324.950 to 324.974 or in obtaining permission to take any examination given or
23 required under sections 324.950 to 324.974;

24 (3) Obtaining or attempting to obtain any fee, charge, tuition, or other compensation by
25 fraud, deception, or misrepresentation;

26 (4) Incompetence, misconduct, gross negligence, fraud, misrepresentation, or dishonesty in
27 the performance of the functions and duties of any profession licensed or regulated under sections
28 324.950 to 324.974;

29 (5) Violation of, or assisting or enabling any person to violate, any provision of sections
30 324.950 to 324.974 or any lawful rule adopted under sections 324.950 to 324.974;

31 (6) Impersonation of any person holding a license or allowing any person to use his or her
32 license;

33 (7) Final adjudication of a person as incompetent by a court of competent jurisdiction;

34 (8) Assisting or enabling any person to practice, or offer to practice, any profession licensed
35 or regulated under sections 324.950 to 324.974 who is not licensed and currently eligible to practice
36 under sections 324.950 to 324.974 or who does not possess an active equivalent local license if
37 required by a political subdivision; or

38 (9) Issuance of a license based upon a material mistake of fact.

1 4. After the filing of such complaint, the proceedings shall be conducted in accordance with
2 the provisions of chapter 621. Upon a finding by the administrative hearing commission that the
3 grounds provided in subsection 3 of this section for disciplinary action are met, the division may,
4 singly or in combination, censure or place the person named in the complaint on probation with such
5 terms and conditions as the division deems appropriate for a period not to exceed five years, or may
6 suspend, for a period not to exceed three years, or revoke the license.

7 5. An individual whose license has been revoked shall wait at least one year from the date of
8 revocation to apply for relicensure. Relicensure shall be at the discretion of the division after
9 compliance with all requirements of sections 324.950 to 324.974 relative to the previous licensing
10 of the applicant.

11 324.974. 1. Any person who knowingly violates any provision of sections 324.950 to
12 324.974 is guilty of a class B misdemeanor.

13 2. Any officer or agent of a corporation or member or agent of a partnership or association
14 who knowingly and personally participates in or is an accessory to any violation of sections 324.950
15 to 324.974 is guilty of a class B misdemeanor.

16 3. The division may cause a complaint to be filed for any violation of sections 324.950 to
17 324.974 in any court of competent jurisdiction and perform such other acts as may be necessary to
18 enforce the provisions of sections 324.950 to 324.974."; and

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