

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Substitute for House Committee Substitute for Senate Bill No. 1363, Page 62,  
2 Section 304.022, Line 74, by inserting after all of said section and line the following:

3  
4 "324.950. 1. Sections 324.950 to 324.974 shall be known and may be cited as the "Missouri  
5 Statewide Mechanical Contractor Licensing Act" and shall not be affected by the provisions of  
6 section 324.009. The provisions of sections 324.950 to 324.974 shall not be construed to affect the  
7 provisions of chapter 341.

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

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

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

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

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

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

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

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

27 a. HVAC system and associated appurtenances;

28 b. HVAC duct system and associated appurtenances;

29 c. Exhaust systems and associated appurtenances;

30 d. Combustion air or make up air and associated appurtenances;

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1 e. Chimneys and vents and associated appurtenances, excluding those regulated by local  
2 ordinances as such existed on April 18, 2023;

3 f. Hydronic piping systems and associated appurtenances that are part of an HVAC system;

4 g. Boilers, water heaters that are one hundred twenty gallons and above, or two hundred  
5 thousand British thermal units (BTUs) and above, and pressure vessels and associated  
6 appurtenances, excluding those covered by a nationally-standardized plumbing code, those  
7 regulated by local ordinances as such existed on April 18, 2023, or those used for potable water  
8 systems;

9 h. Process piping systems and associated appurtenances;

10 i. Fuel gas distribution piping and associated appurtenances, excluding those regulated by  
11 local ordinances as such existed on April 18, 2023;

12 j. Fuel oil-fired and solid fuel appliances and associated appurtenances, excluding those  
13 covered by a nationally-standardized plumbing code or local ordinances promulgated by a political  
14 subdivision of this state as such ordinances existed on April 18, 2023;

15 k. Fuel oil piping and storage vessels and associated appurtenances;

16 l. Fuel oil-fired and solid fuel appliance venting systems and associated appurtenances;

17 m. Equipment and appliances intended to utilize solar energy for space heating or cooling  
18 together with associated appurtenances;

19 n. Process heating and associated appurtenances;

20 o. Refrigeration systems, including all equipment and components thereof and associated  
21 appurtenances;

22 p. Nonmedical air, nonmedical oxygen, and nonmedical vacuum piping for mechanical  
23 equipment and associated appurtenances, excluding work covered by a nationally-standardized  
24 plumbing code;

25 q. Liquefied petroleum gas distribution piping and associated appurtenances, excluding work  
26 covered by a nationally-standardized plumbing code or local ordinances as such ordinances existed  
27 on April 18, 2023;

28 r. Biogas, biodiesel, hydrogen processing systems, and ethanol distribution and associated  
29 appurtenances;

30 s. Chillers, cooling towers, and associated support steel and appurtenances for cooling  
31 towers;

32 t. Petroleum piping and venting together with associated equipment and associated  
33 appurtenances, pumps, and tanks governed by NPFA 30 and 30a;

34 u. All fuel and petroleum pipelines, piping, and associated pumping stations with associated  
35 equipment and appurtenances; and

36 v. All associated equipment and facilities related to subparagraphs a. to u. of this paragraph.

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

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

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

6           c. Fire sprinkler or suppression systems.

7  
 8 Additional certification may be required by the division for a particular scope of mechanical work;

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

11           (a) Single-family houses;

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

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

14  
 15 "Residential work" shall not include new construction or work required for a building or structure as  
 16 a whole that services more than one dwelling unit;

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

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

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

27           324.953. 1. The division shall adopt, implement, rescind, amend, and administer such rules  
 28 as may be necessary to carry out the provisions of sections 324.950 to 324.974, including but not  
 29 limited to, the following:

30           (1) Training, education, and experience requirements for licensure under sections 324.950 to  
 31 324.974;

32           (2) Application forms and fees;

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

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

36           (5) Inactive licenses and reinstatement procedures; and

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

38  
 39 Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the

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

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

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

10 (2) Exercise all administrative functions;

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

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

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

23 (6) Institute actions to enforce compliance with the provisions of sections 324.950 to  
24 324.974.

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

27 324.956. 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 324.974. 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 324.974. 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 which shall lapse is that amount in the fund which 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.

1           324.959. The provisions of sections 324.950 to 324.974 shall not apply to mechanical work,  
2 including residential work, performed in any county with more than two hundred sixty thousand but  
3 fewer than three hundred thousand inhabitants, any county with more than fifty thousand but fewer  
4 than sixty thousand inhabitants and with a county seat with more than ten thousand but fewer than  
5 twelve thousand six hundred inhabitants, or any county with more than one hundred twenty  
6 thousand but fewer than one hundred fifty thousand inhabitants, or any political subdivision  
7 contained within such counties.

8           324.962. 1. The applicant for a statewide mechanical contractor license shall have:

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

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

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

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

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

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

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

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

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

29           324.965. 1. Any corporation, firm, institution, organization, company, or representative  
30 thereof engaging in mechanical work in a political subdivision that requires a local license in order  
31 to perform such work shall:

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

35           (2) For purposes of performing residential work, have either a statewide mechanical  
36 contractor licensee or a statewide mechanical journeyman licensee to perform, direct, inspect, or  
37 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.