

FIRST REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 500

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SCHROER.

1215H.01P

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 324, RSMo, by adding thereto eleven new sections relating to statewide mechanical contractor licenses, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 324, RSMo, is amended by adding thereto eleven new sections, to be known as sections 324.950, 324.953, 324.956, 324.959, 324.962, 324.965, 324.968, 324.971, 324.977, 324.980, and 324.983, to read as follows:

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

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

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

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

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

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

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

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

14 (NFPA), including the design, installation, maintenance, construction, alteration, repair,
15 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, and oil-fired appliances;

26 (k) Fuel oil piping and storage vessels;

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

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

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

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

32 (p) Backflow preventers;

33 (q) Medical gas piping;

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

35 (s) Fire suppression systems; and

36 (t) Chillers and cooling towers.

37

38 "Mechanical contractor" shall not include design, service, maintenance, installation, and
39 inspection of solid-fuel and gas-fueled hearth appliances, such as wood stoves and
40 fireplaces, including manufacturer specified venting systems, fireplace chimneys, outdoor
41 cooking appliances with manufacturer specified venting systems, outdoor fireplaces, and
42 outdoor firepits. Additional certification may be required by the division for a particular
43 scope of mechanical work;

44 (6) "Office", the office of mechanical contractors within the division of professional
45 registration;

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

48 (8) "Statewide mechanical contractor license", a valid license issued by the division
49 that allows the mechanical contractor and any of its employees or manufacturers'

50 representatives or subcontractors to practice in any jurisdiction in Missouri regardless of
51 local licensing requirements. Political subdivisions shall not require any member of the
52 work force of a licensed statewide mechanical contractor to obtain an individual
53 occupational license.

324.953. 1. The division shall adopt, implement, rescind, amend, and administer
2 such rules as may be necessary to carry out the provisions of sections 324.950 to 324.983.
3 The division may promulgate necessary rules authorized or as required to explain or
4 clarify sections 324.950 to 324.983 including, but not limited to, rules relating to
5 professional conduct, continuing competency requirements for the renewal of licenses,
6 approval of continuing competency programs, fees, and the establishment of ethical
7 standards of business practice for persons holding a license under sections 324.950 to
8 324.983. Any rule or portion of a rule, as that term is defined in section 536.010, that is
9 created under the authority delegated in this section shall become effective only if it
10 complies with and is subject to all of the provisions of chapter 536 and, if applicable,
11 section 536.028. This section and chapter 536 are nonseverable and if any of the powers
12 vested with the general assembly pursuant to chapter 536 to review, to delay the effective
13 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the
14 grant of rulemaking authority and any rule proposed or adopted after August 28, 2021,
15 shall be invalid and void.

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

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

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

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

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

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

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

9 (3) Conduct investigations to determine compliance with sections 324.950 to
10 324.983; and

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

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

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

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

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

11 (a) International Code Council;

12 (b) Prometric; or

13 (c) International Association of Plumbing and Mechanical Officials (IAPMO); or
14 a similar test that is administered by an independent professional testing agency not
15 affiliated with any political subdivision or the state of Missouri and is approved by the
16 division. The applicant shall pay for all costs associated with the examinations;

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

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

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

29 3. If a corporation, firm, institution, organization, company, or representative
30 thereof desires to engage in mechanical contracting under sections 324.950 to 324.983, it
31 shall have in its employ at least one statewide license holder in accordance with sections
32 324.950 to 324.983. A statewide mechanical license holder shall represent only one

33 corporation, firm, institution, organization, or company at one time. A mechanical
34 contractor shall have one license holder responsible for offering Missouri based field
35 employees eight contact hours of industry training per year; such mechanical contractor
36 shall be responsible for providing proof of training to the division upon request. In the
37 event of a loss of a license holder, a mechanical contractor shall remain in good standing
38 with the division for six months after notifying the division of the change in status. Within
39 the six-month period, a new license holder shall be registered with the division. If no
40 license holder is registered within such six-month period, the division shall declare the
41 mechanical contractor inactive.

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

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

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

11 2. If a political subdivision does not recognize a statewide license in lieu of a local
12 license for the purposes of performing contracting work or obtaining permits to perform
13 work within the political subdivision, a statewide mechanical contractor licensee may file
14 a complaint with the division. The division shall perform an investigation into the
15 complaint, and if the division finds that the political subdivision failed to recognize a
16 statewide license in accordance with this section, the division shall notify the political
17 subdivision that the political subdivision has violated the provisions of this section and has
18 thirty days to comply with this section. If after thirty days the political subdivision still

19 does not recognize a statewide license, the division shall notify the director of the
20 department of revenue, who shall withhold any moneys the noncompliant political
21 subdivision would otherwise be entitled to from local sales tax, as defined in section 32.085,
22 until the director has received notice from the division that the political subdivision is in
23 compliance with this section. Upon the political subdivision coming into compliance with
24 the provisions of this section, the division shall notify the director of the department of
25 revenue, who shall disburse all funds held under this subsection. Moneys held by the
26 director of the department of revenue under this subsection shall not be deemed to be state
27 funds and shall not be commingled with any funds of the state.

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

- 30 (1) Enforcing any technical code or law contained in this section;
- 31 (2) Requiring a business license to perform mechanical contracting work;
- 32 (3) Issuing mechanical contracting permits;
- 33 (4) Enforcing technical codes of the political subdivision; and
- 34 (5) Inspecting the work of a statewide mechanical contractor.

35 4. Political subdivisions that do not have the authority to issue or require
36 mechanical contractor licenses prior to August 28, 2021, shall not be granted such
37 authority under the provisions of this section.

324.965. There is hereby created in the state treasury the "Missouri Mechanical
2 Contractor Licensing Fund", which shall consist of moneys collected under sections
3 324.950 to 324.983. The state treasurer shall be custodian of the fund and may approve
4 disbursements from the fund in accordance with sections 30.170 and 30.180. Upon
5 appropriation, moneys in the fund shall be used solely for the administration of sections
6 324.950 to 324.983. The provisions of section 33.080 to the contrary notwithstanding,
7 moneys in this fund shall not be transferred and placed to the credit of general revenue
8 until the amount in the fund at the end of the biennium exceeds three times the amount of
9 the appropriation from the fund for the preceding fiscal year. The amount, if any, in the
10 fund which shall lapse is that amount in the fund which exceeds the appropriate multiple
11 of the appropriations from the fund for the preceding fiscal year. The state treasurer shall
12 invest moneys in the fund in the same manner as other funds are invested. Any interest
13 and moneys earned on such investments shall be credited to the fund.

324.968. 1. Licenses shall expire on a renewal date established by the division. The
2 term of licensure shall be twenty-four months. The division shall mail a renewal notice to
3 the last known address of each person licensed under sections 324.950 to 324.983 prior to
4 the renewal date. Failure to provide the division with the information required for renewal

5 or to pay the required fee after such notice shall result in the license being declared
6 inactive. The licensee shall not practice until he or she applies for reinstatement and pays
7 the required fees. The license shall be restored if the application for reinstatement is
8 received within two years of the renewal date.

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

 324.971. Any person operating as a mechanical contractor in a political subdivision
2 that does not require the mechanical contractor to hold a local license, or who operates as
3 a mechanical contractor in a political subdivision that requires a local license possessed by
4 that person, shall not be required to possess a statewide license under sections 324.950 to
5 324.983 to operate as a mechanical contractor in such political subdivision.

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

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

7 2. The division may cause a complaint to be filed with the administrative hearing
8 commission as provided by chapter 621 against any holder of any certificate of registration
9 or authority, permit, or license required by sections 324.950 to 324.983, or any person who
10 has failed to renew or has surrendered his or her certificate of registration or authority,
11 permit, or license for any one or any combination of the following causes:

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

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

21 (3) Use of fraud, deception, misrepresentation, or bribery in securing any certificate
22 of registration or authority, permit, or license issued under sections 324.950 to 324.983 or

23 in obtaining permission to take any examination given or required under sections 324.950
24 to 324.983;

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

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

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

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

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

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

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

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

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

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

48 (14) Use of any advertisement or solicitation which is false, misleading, or deceptive
49 to the general public or persons to whom the advertisement or solicitation is primarily
50 directed; or

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

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

58 to exceed three years, or revoke any certificate of registration or authority, permit, or
59 license issued under sections 324.950 to 324.983.

60 4. An individual whose certificate of registration or authority, permit, or license has
61 been revoked shall wait three years from the date of revocation to apply for any certificate
62 of registration or authority, permit, or license under sections 324.950 to 324.983. Any
63 certificate of registration or authority, permit, or license shall be issued at the discretion
64 of the board after compliance with all the requirements of sections 324.950 to 324.983
65 relative to the licensing or registration of the applicant for the first time.

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

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

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

76 (3) Refusing to recognize a statewide license as a valid license within any political
77 subdivision, or requiring journeymen or apprentices to be individually licensed or
78 requiring subcontractors' and manufacturers' representatives, or other members of the
79 contractor's workforce to be licensed.

80 6. The division may assess fines for violations of any of the provisions of sections
81 324.950 to 324.983 in an amount not to exceed five thousand dollars per occurrence upon
82 a judicial or administrative finding of violation of law.

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

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

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

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

6 **3. The division may file suit for any violation of sections 324.950 to 324.983 in any**
7 **court of competent jurisdiction and perform such other acts as may be necessary to enforce**
8 **the provisions of sections 324.950 to 324.983.**

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