

SECOND REGULAR SESSION

SENATE BILL NO. 773

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR ONDER.

Pre-filed December 2, 2015, and ordered printed.

ADRIANE D. CROUSE, Secretary.

4255S.02I

AN ACT

To amend chapter 324, RSMo, by adding thereto ten new sections relating to the statewide licensure of electrical contractors, 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 ten new sections, to be known as sections 324.900, 324.905, 324.910, 324.915, 324.920, 324.925, 324.930, 324.935, 324.940, and 324.945, to read as follows:

324.900. As used in sections 324.900 to 324.945, unless the context clearly indicates otherwise, the following terms shall mean:

- (1) "Board", the Missouri electrical industry licensing board;**
- (2) "Certifying entity", the nongovernmental agency or association which certifies or registers individuals who have completed academic and training requirements;**
- (3) "Director", the director of the division of professional registration;**
- (4) "Division", the division of professional registration within the department of insurance, financial institutions and professional registration;**
- (5) "Electrical contracting", engaging in the business of installing, erecting, or maintaining electrical wiring, fixtures, apparatus, equipment, devices, or components, regardless of voltage, that are used for generation, transmission, and utilization of electricity;**
- (6) "Electrical contractor", a person engaged in electrical contracting. No person, firm, corporation, institution, organization, or representative thereof shall engage in electrical contracting without having an individual responsible for such work who is licensed under sections 324.900 to 324.945. A licensed electrical contractor shall**

21 represent only one firm, person, corporation, institution, or
22 organization at one time;

23 (7) "Local license", a valid license issued by a local political
24 subdivision. Holders of such a license are limited to practice within
25 the political subdivision issuing the license or in a political subdivision
26 that does not require a license;

27 (8) "Person", an individual, corporation, partnership, association,
28 or other legal entity;

29 (9) "Statewide license", a valid license issued or recognized by
30 the electrical industry licensing board that allows the licensee to
31 practice in any jurisdiction regardless of local licensing requirements.

324.905. 1. There is hereby created within the division of
2 professional registration the "Missouri Electrical Industry Licensing
3 Board". The board shall consist of nine voting members, all of whom
4 shall be citizens of the United States and domiciled within this
5 state. The governor shall appoint four members of the board from
6 district one, four members from district two, and one member from
7 district three, as set out in subdivisions (1), (2), and (3) of this
8 subsection, with the advice and consent of the senate for terms of four
9 years, except as provided in subsection 3 of this section. Four members
10 shall be in good standing with the National Electrical Contractors
11 Association, or any successor organization, two members shall be in
12 good standing with the Associated Builders and Contractors, or any
13 successor organization, two members shall be in good standing with the
14 Independent Electrical Contractors, or any successor organization, and
15 one member shall be in good standing with the Society of Professional
16 Engineers. All members shall be chosen from lists submitted by the
17 director of the division of professional registration who shall inquire
18 of the Independent Electrical Contractors Association, Associated
19 Builders and Contractors, and National Electrical Contractors
20 Association, or any successor organizations, to obtain the names of
21 individuals to be considered. Each association shall submit three
22 names from district one and three names from district two for the
23 selection process, and the society shall submit three names from
24 district three.

25 (1) District one shall consist of the counties of Boone, Callaway,
26 Cape Girardeau, Cole, Franklin, Jefferson, Lincoln, St. Charles, St.

27 Francois, and St. Louis; and the city of St. Louis;

28 (2) District two shall consist of the counties of Buchanan,
29 Camden, Cass, Christian, Clay, Greene, Jackson, Jasper, Newton, Platte,
30 and Taney; and

31 (3) District three shall consist of all counties of the third and
32 fourth classification.

33 2. No person shall be eligible for reappointment to the board who
34 has served as a member for a total of eight years. A vacancy in the
35 office of any board member shall be filled for the unexpired term only.

36 3. The initial appointments to the board shall be three members
37 for terms of two years, three members for terms of three years, and two
38 members for terms of four years.

39 4. Any member of the board may be removed from the board by
40 the governor for neglect of duty required by law, for incompetence, or
41 for unethical or dishonest conduct. Upon the death, resignation,
42 disqualification, or removal of any member of the board, the governor
43 shall appoint a successor.

324.910. 1. The board shall elect annually a chairperson and a
2 vice-chairperson from the board's membership.

3 2. The division, in collaboration with the board, shall adopt,
4 implement, rescind, amend, and administer such rules as may be
5 necessary to carry out the provisions of sections 324.900 to 324.945. The
6 division, in collaboration with the board, may promulgate necessary
7 rules compatible with sections 324.900 to 324.945, including, but not
8 limited to, rules relating to professional conduct, continuing
9 competency requirements for the renewal of licenses, approval of
10 continuing competency programs, and the establishment of ethical
11 standards of practice for persons holding a license pursuant to sections
12 324.900 to 324.945. Any rule or portion of a rule, as that term is defined
13 in section 536.010 that is created under the authority delegated in this
14 section shall become effective only if it complies with and is subject to
15 all of the provisions of chapter 536, and, if applicable, section
16 536.028. This section and chapter 536 are nonseverable and if any of
17 the powers vested with the general assembly pursuant to chapter 536,
18 to review, to delay the effective date, or to disapprove and annul a rule
19 are subsequently held unconstitutional, then the grant of rulemaking
20 authority and any rule proposed or adopted after August 28, 2016, shall

21 be invalid and void.

22 3. The board shall convene at the request of the director or as
23 the board shall determine. The board shall hold regular meetings at
24 least four times per year.

25 4. Each member of the board shall receive as compensation an
26 amount set by the division not to exceed seventy dollars per day for
27 each day devoted to the affairs of the board and may be reimbursed for
28 actual and necessary expenses incurred in the performance of the
29 member's official duties.

324.915. 1. For the purpose of sections 324.900 to 324.945, the
2 division shall:

3 (1) Employ, within the limits of the appropriations for such
4 purpose, employees as are necessary to carry out the provisions of
5 sections 324.900 to 324.945;

6 (2) Exercise all administrative functions;

7 (3) Establish all applicable fees, set at an amount which shall not
8 substantially exceed the cost of administering sections 324.900 to
9 324.945;

10 (4) Deposit all fees collected under sections 324.900 to 324.945, by
11 transmitting such funds to the department of revenue for deposit to the
12 state treasury to the credit of the Missouri electrical industry licensing
13 board fund; and

14 (5) Approve or disapprove certifying entities for professions
15 within the electrical industry included in the scope of sections 324.900
16 to 324.945.

17 2. The division may terminate recognition of any certifying
18 entity included in the scope of sections 324.900 to 324.945 following a
19 subsequent review of the certification or registration procedures of
20 that certifying entity.

324.920. Sections 324.900 to 324.945 shall not apply to work done
2 by:

3 (1) Any employee of an electric utility, a gas corporation as
4 defined in section 386.020, or a water corporation as defined in section
5 386.020;

6 (2) A railroad corporation;

7 (3) A contractor who services the construction and maintenance
8 of power lines or substations of an electric utility corporation, a

9 municipal utility, a rural electric cooperative, or a telecommunications
10 company as defined in section 386.020, when engaged in work of the
11 utility;

12 (4) A federally licensed radio or television broadcast station or
13 a commercial mobile radio service provider licensed by the Federal
14 Communications Commission under the commercial mobile radio
15 services rules and regulations;

16 (5) A private broadcast engineering contractor possessing a valid
17 Society of Broadcast Engineers certification; or

18 (6) A contractor who is engaged in the design, installation,
19 erection, repair, maintenance, or alteration of class two or class three
20 remote control, signaling, or power-limited circuits, optical fiber cables
21 or other cabling, or communications circuits, including raceways, as
22 defined in the National Electrical Code for voice, video, audio, and data
23 signals in residential or commercial premises.

324.925. 1. Each electrical contracting firm shall have in its
2 employ, at a supervisory level, at least one licensed electrical
3 contractor.

4 2. The applicant for a statewide electrical contractor's license
5 shall satisfy the following requirements:

6 (1) Be at least twenty-one years of age and a United States
7 citizen;

8 (2) Provide proof of insurance in the amount of five hundred
9 thousand dollars, and post a bond with each political subdivision in
10 which he or she will perform work, as required by that political
11 subdivision;

12 (3) Pass a standardized and nationally accredited electrical
13 assessment examination that has been created and administered by a
14 third party and that meets current national industry standards, as
15 determined by the board;

16 (4) Pay for the costs of such examination; and

17 (5) Have completed one of the following:

18 (a) Twelve thousand verifiable practical hours installing
19 equipment and associated wiring;

20 (b) Ten thousand verifiable practical hours installing equipment
21 and associated wiring and have received an electrical journeyman
22 certificate from a United States Department of Labor-approved

23 electrical apprenticeship program;

24 (c) Eight thousand verifiable practical hours installing
25 equipment and associated wiring and have received an associate's
26 degree from a state-accredited program; or

27 (d) Four thousand verifiable practical hours supervising the
28 installation of equipment and associated wiring and have received a
29 four-year electrical engineering degree.

30 3. Electrical contractors who currently hold an electrical license
31 in good standing that was issued by any authority in this state that
32 required, prior to January 1, 2016, the passing of a written examination
33 and who have completed twelve thousand hours of verifiable practical
34 experience shall be issued a statewide license.

35 4. Any person operating as an electrical contractor in a political
36 subdivision that does not require the contractor to hold a local license
37 shall not be required to possess a statewide license under sections
38 324.900 to 324.945 to continue to operate as an electrical contractor in
39 such political subdivision.

40 5. The division, in collaboration with the board, may negotiate
41 reciprocal agreements with other states, the District of Columbia, or
42 territories of the United States which require standards for licensure,
43 registration, or certification considered to be equivalent or more
44 stringent than the requirements for licensure under sections 324.900 to
45 324.945.

46 6. Political subdivisions shall not be prohibited from establishing
47 their own local electrical contractor's license, but shall recognize a
48 statewide license in lieu of a local license for the purposes of
49 performing contracting work or obtaining permits to perform work
50 within such a political subdivision.

324.930. There is hereby created in the state treasury the
2 "Missouri Electrical Industry Licensing Board Fund", which shall
3 consist of money collected under sections 324.900 to 324.945. The state
4 treasurer shall be custodian of the fund and may approve
5 disbursements from the fund in accordance with sections 30.170 and
6 30.180. Upon appropriation, money in the fund shall be used solely for
7 the administration of sections 324.900 to 324.945. Notwithstanding the
8 provisions of section 33.080 to the contrary, any moneys remaining in
9 the fund at the end of the biennium shall not revert to the credit of the

10 general revenue fund. The state treasurer shall invest moneys in the
11 fund in the same manner as other funds are invested. Any interest and
12 moneys earned on such investments shall be credited to the fund.

324.935. 1. The division shall mail a renewal notice to the last
2 known address of each person licensed under sections 324.900 to
3 324.945 prior to the renewal date. Failure to provide the division with
4 the information required for renewal or to pay the required fee after
5 such notice shall result in the license being declared inactive. The
6 licensee shall not practice until he or she applies for reinstatement and
7 pays the required fees. The license shall be restored if the application
8 for reinstatement is received within two years of the renewal date.

9 2. Upon request, the division, in collaboration with the board,
10 may grant inactive status to a licensee if the person:

11 (1) Does not hold himself or herself out as possessing a license
12 required under sections 324.900 to 324.945 in this state; and

13 (2) Does not maintain any continuing competency requirements
14 established by the division, in collaboration with the board.

15 3. If an electrical contractor transfers employment from one
16 company to another, all permits on the contractor's license shall first
17 be cleared. It is the responsibility of the contractor to notify the
18 division of the contractor's intent to transfer employment and any
19 current active permits on the contractor's license when transferring
20 employment. Upon such notification, the division shall notify all
21 affected political subdivisions via electronic communication of the
22 contractor's status. It shall be assumed all permits are cleared if no
23 response is given otherwise by affected political subdivisions within
24 seventy-two hours of the notification.

324.940. 1. The board may refuse to issue or renew or may
2 suspend any license required under sections 324.900 to 324.945 for one
3 or any combination of causes stated in subsection 4 of this section. The
4 board shall notify the applicant in writing of the reasons for the refusal
5 and shall advise the applicant of his or her right to file a complaint
6 with the administrative hearing commission as provided by chapter
7 621.

8 2. The board shall publish via electronic media and update on a
9 weekly basis a list of valid statewide license holders, a list of current
10 enforcement actions against license holders, and the procedures for

11 filing grievances against licensees.

12 3. The permitting authority of each political subdivision may
13 suspend a contractor's work in that political subdivision for a period
14 of up to thirty days while a complaint is being forwarded by the
15 permitting authority to the board for adjudication.

16 4. The board may cause a complaint to be filed with the
17 administrative hearing commission as provided by chapter 621 against
18 any holder of any license required by sections 324.900 to 324.945 or any
19 person who has failed to renew or has surrendered his or her license
20 for any one or any combination of the following causes:

21 (1) Use or unlawful possession of any controlled substance, as
22 defined in chapter 195, or alcoholic beverage to an extent that such use
23 impairs a person's ability to perform the work of an electrical
24 contractor;

25 (2) The final adjudication and finding of guilty, or the entering
26 of a plea of guilty or nolo contendere, in a criminal prosecution under
27 the laws of any state or of the United States, for any offense reasonably
28 related to the qualifications, functions, or duties of any profession
29 licensed or regulated by sections 324.900 to 324.945, for any offense an
30 essential element of which is fraud, dishonesty, or an act of violence or
31 for any offense involving moral turpitude, whether or not sentence is
32 imposed;

33 (3) Use of fraud, deception, misrepresentation, or bribery in
34 securing any license issued under sections 324.900 to 324.945 or in
35 obtaining permission to take any examination given or required under
36 sections 324.900 to 324.945;

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

39 (5) Incompetence, misconduct, gross negligence, fraud,
40 misrepresentation, or dishonesty in the performance of the functions
41 and duties of any profession licensed or regulated by sections 324.900
42 to 324.945;

43 (6) Violation of, or assisting or enabling any person to violate,
44 any provision of sections 324.900 to 324.945 or any lawful rule adopted
45 under sections 324.900 to 324.945;

46 (7) Impersonation of any person holding a license or allowing
47 any person to use his or her license;

48 **(8) Disciplinary action against the holder of a license or other**
49 **right to practice any profession regulated by sections 324.900 to 324.945**
50 **granted by another state, territory, federal agency, or country upon**
51 **grounds for which revocation or suspension is authorized in this state;**

52 **(9) Final adjudication of a person as insane or incompetent by**
53 **a court of competent jurisdiction;**

54 **(10) Assisting or enabling any person to practice or offer to**
55 **practice any profession licensed or regulated by sections 324.900 to**
56 **324.945 who is not registered and currently eligible to practice under**
57 **sections 324.900 to 324.945;**

58 **(11) Issuance of a certificate of registration or authority, permit,**
59 **or license based upon a material mistake of fact;**

60 **(12) Violation of any professional trust or confidence;**

61 **(13) Use of any advertisement or solicitation which is false,**
62 **misleading, or deceptive to the general public or persons to whom the**
63 **advertisement or solicitation is primarily directed;**

64 **(14) Unethical conduct as defined in the ethical standards**
65 **adopted by the division and filed with the secretary of state;**

66 **(15) Violation of the drug laws or rules of this state, any other**
67 **state, or the federal government.**

68 **5. After the filing of such complaint, the proceedings shall be**
69 **conducted in accordance with the provisions of chapter 621. Upon a**
70 **finding by the administrative hearing commission that the grounds**
71 **provided in subsection 4 of this section for disciplinary action are met,**
72 **the board may, singly or in combination, censure or place the person**
73 **named in the complaint on probation with such terms and conditions**
74 **as the board deems appropriate for a period not to exceed five years,**
75 **or may suspend, for a period not to exceed three years, or revoke the**
76 **license, certificate, or permit.**

77 **6. An individual whose license has been revoked shall wait at**
78 **least one year from the date of revocation to apply for**
79 **relicensure. Relicensure shall be at the discretion of the board after**
80 **compliance with all requirements of sections 324.900 to 324.945 relative**
81 **to the previous licensing of the applicant.**

324.945. 1. Any person that knowingly violates any provision of
2 **sections 324.900 to 324.945 is guilty of a class B misdemeanor.**

3 **2. Any officer or agent of a corporation or member or agent of a**

4 **partnership or association who knowingly and personally participates**
5 **in or is an accessory to any violation of sections 324.900 to 324.945 is**
6 **guilty of a class B misdemeanor.**

7 **3. The division, in collaboration with the board, may cause a**
8 **complaint to be filed for any violation of sections 324.900 to 324.945 in**
9 **any court of competent jurisdiction and perform such other acts as may**
10 **be necessary to enforce the provisions of sections 324.900 to 324.945.**

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