

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend SS/Senate Bill No. 11, Pages 1-3, Section 324.950, Lines 1-74,

2 by striking all of said lines and inserting in lieu thereof
3 the following:

4 "324.950. 1. Sections 324.950 to 324.983 shall be
5 known and may be cited as the "Missouri Statewide Mechanical
6 Contractor Licensing Act".

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

10 (1) "Division", the division of fire safety, boiler
11 and pressure vessel safety unit, within the department of
12 public safety;

13 (2) "Field employee", any individual who is an
14 employee of a mechanical contractor and is engaged in
15 mechanical contracting at a jobsite within Missouri;

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

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

20 (5) "Mechanical contracting", work per the
21 International Code Council (ICC) or International
22 Association of Plumbing and Mechanical Officials (IAPMO),
23 including the design, installation, maintenance,
24 construction, alteration, repair, and inspection of any:

25 (a) HVAC system and associated appurtenances;

26 (b) HVAC duct system and associated appurtenances;

- 27 (c) Exhaust systems and associated appurtenances;
28 (d) Combustion air or make up air and associated
29 appurtenances;
30 (e) Chimneys, vents, and associated appurtenances,
31 excluding those regulated by local ordinances;
32 (f) Hydronic piping systems that are part of an HVAC
33 system and associated appurtenances;
34 (g) Boilers, water heaters that are one hundred twenty
35 gallons and above or two hundred thousand British thermal
36 units and above, and pressure vessels, together with
37 associated appurtenances, excluding those covered by a
38 nationally standardized plumbing code or a local ordinance
39 by a Missouri political subdivision used for potable water
40 systems;
41 (h) Process piping systems and associated
42 appurtenances;
43 (i) Methane and other fuel gas distribution piping and
44 associated appurtenances, excluding those regulated by local
45 ordinance;
46 (j) Fuel, oil-fired, and solid fuel appliances, and
47 associated appurtenances, excluding those covered by a
48 nationally standardized plumbing code or local ordinance by
49 a Missouri political subdivision;
50 (k) Fuel oil piping and storage vessels and associated
51 appurtenances;
52 (l) Fuel, oil-fired, and solid fuel appliance venting
53 systems, and associated appurtenances;
54 (m) Equipment and appliances intended to utilize solar
55 energy for space heating or cooling together with associated
56 appurtenances;
57 (n) Process heating and associated appurtenances;
58 (o) Refrigeration systems, including all equipment and
59 components thereof and associated appurtenances;

60 (p) Non-medical air, non-medical oxygen, and non-
 61 medical vacuum piping for mechanical equipment and
 62 associated appurtenances, excluding work covered by a
 63 nationally standardized plumbing code; and

64 (q) Chillers, cooling towers, and associated support
 65 steel and appurtenances for cooling towers.

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

68 (6) "Mechanical contractor", a person with a statewide
 69 mechanical contractor license;

70 (7) "Office", the office of mechanical contractors
 71 within the division of fire safety, boiler and pressure
 72 vessel safety unit, of the department of public safety;

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

75 (9) "Statewide mechanical contractor license", a valid
 76 license issued by the division that allows the mechanical
 77 contractor to practice in any jurisdiction in Missouri with
 78 appropriate field employees regardless of local mechanical
 79 contractor licensing requirements."; and

80 Further amend said bill, pages 3-4, Section 324.953,
 81 lines 1-31, by striking all of said lines and inserting in
 82 lieu thereof the following:

83 "324.953. 1. The division shall adopt, implement,
 84 rescind, amend, and administer such rules as may be
 85 necessary to carry out the provisions of sections 324.950 to
 86 324.983. The division may promulgate necessary rules
 87 authorized or as required to explain or clarify sections
 88 324.950 to 324.983 including, but not limited to, rules
 89 relating to professional conduct, continuing competency
 90 requirements for the renewal of licenses, approval of
 91 continuing competency programs, fees, and the establishment
 92 of ethical standards of business practice for persons

93 holding a license under sections 324.950 to 324.983. Any
94 rule or portion of a rule, as that term is defined in
95 section 536.010, that is created under the authority
96 delegated in this section shall become effective only if it
97 complies with and is subject to all of the provisions of
98 chapter 536 and, if applicable, section 536.028. This
99 section and chapter 536 are nonseverable and if any of the
100 powers vested with the general assembly pursuant to chapter
101 536 to review, to delay the effective date, or to disapprove
102 and annul a rule are subsequently held unconstitutional,
103 then the grant of rulemaking authority and any rule proposed
104 or adopted after August 28, 2021, shall be invalid and void.

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

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

110 (2) Deposit all fees collected under sections 324.950
111 to 324.983 by transmitting such funds to the department of
112 revenue for deposit to the state treasury to the credit of
113 the Missouri mechanical contractor licensing fund."; and

114 Further amend said bill, pages 4-5, Section 324.956,
115 lines 1-16, by striking all of said lines and inserting in
116 lieu thereof the following:

117 "324.956. There is hereby created the "Office of
118 Mechanical Contractors" to be housed within the division.

119 The division shall:

120 (1) Employ, within the limits of the funds
121 appropriated, persons as are necessary to carry out the
122 provisions of sections 324.950 to 324.983, including both
123 administrative and professional staff and legal counsel,
124 with the discretion to hire experts in mechanical

125 contracting to advise the division on technical matters
126 related to mechanical contracting;

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

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

131 (4) File suit in its own name on behalf of the office
132 to enforce the provisions of sections 324.950 to 324.983.";
133 and

134 Further amend said bill, pages 5-7, Section 324.959,
135 lines 1-73, by striking all of said lines and inserting in
136 lieu thereof the following:

137 "324.959. 1. The applicant for a statewide mechanical
138 contractor license shall satisfy the following requirements:

139 (1) Be at least twenty-five years of age;

140 (2) Provide proof of liability insurance in the amount
141 of one million dollars and post bond in the amount of twenty-
142 five thousand dollars with each political subdivision in
143 which he or she will perform work as required by that
144 political subdivision. If a political subdivision requires
145 any license holder to be named on a document, including but
146 not limited to the bond, the license holder of the
147 mechanical contractor shall be allowed to provide services
148 in the political subdivision;

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

151 (a) International Code Council;

152 (b) International Association of Plumbing and
153 Mechanical Officials (IAPMO); or

154 (c) A similar test that is administered by an
155 independent professional testing agency not affiliated with
156 any political subdivision or the state of Missouri and is
157 approved by the division.

158 The applicant shall pay for all costs associated with the
159 examinations. The division shall take every step necessary
160 to adopt the most current editions of the International Code
161 Council and IAPMO mechanical codes as they become available
162 to test applicants for a statewide mechanical contractor
163 license;

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

166 (5) Have completed one of the following:

167 (a) Sixteen thousand hours of verifiable practical
168 field experience installing varied mechanical equipment and
169 associated piping in mechanical contracting work;

170 (b) Ten thousand hours of verifiable practical
171 experience installing equipment and associated piping, with
172 an apprentice completion certificate from a mechanical
173 apprenticeship program approved and registered with the
174 United States Department of Labor;

175 (c) Eight thousand hours of verifiable practical
176 experience installing equipment and associated piping, with
177 an associate's degree in a state-accredited program in
178 mechanical contracting work; or

179 (d) Four thousand verifiable hours supervising the
180 installation of equipment and associated piping, with a four-
181 year mechanical engineering degree and a license as a
182 professional engineer under sections 327.181 to 327.271;

183 2. If a corporation, firm, institution, organization,
184 company, or representative thereof desires to engage in
185 mechanical contracting under sections 324.950 to 324.985, it
186 shall have in its employ at least one statewide license
187 holder in accordance with sections 324.950 to 324.983. A
188 statewide mechanical license holder shall represent only one
189 corporation, firm, institution, organization, or company at
190 one time. A mechanical contractor shall be responsible for

191 offering Missouri-based field employees eight contact hours
192 of division-approved industry training per year; such
193 mechanical contractor shall be responsible for providing
194 proof of training to the division upon request. In the
195 event of a loss of a license holder, a mechanical contractor
196 shall remain in good standing with the division for six
197 months after notifying the division of the change in
198 status. Within the six-month period, a new license holder
199 shall be registered with the division. If no license holder
200 is registered within such six-month period, the division
201 shall declare the mechanical contractor inactive.

202 3. The division may issue a mechanical contractor
203 license to any person who holds a current and active license
204 to engage in the practice of a mechanical contractor or as a
205 master pipefitter or master plumber issued by any other
206 state, the District of Columbia, or territories of the
207 United States that require standards for licensure,
208 registration, or certification considered to be equivalent
209 or more stringent than the requirements for licensure under
210 sections 324.950 to 324.983, if such jurisdiction grants
211 mechanical contractors licensed under sections 324.950 to
212 324.983 the same privilege."; and

213 Further amend said bill, pages 7-9, Section 324.962,
214 lines 1-58, by striking all of said lines and inserting in
215 lieu thereof the following:

216 "324.962. 1. Political subdivisions shall not be
217 prohibited from establishing their own local mechanical
218 contractor's license but shall recognize a statewide license
219 in lieu of a local license for the purposes of performing
220 contracting work or obtaining permits to perform work within
221 such political subdivision. However, political subdivisions
222 may require the field employees of a licensed statewide

223 mechanical contractor to obtain any individual occupational
224 licenses the political subdivision deems appropriate.

225 2. If a political subdivision does not recognize a
226 statewide license in lieu of a local license for the
227 purposes of performing contracting work with appropriately
228 licensed field employees or obtaining permits to perform
229 work within the political subdivision, a statewide
230 mechanical contractor licensee may file a complaint with the
231 division. The division shall perform an investigation into
232 the complaint, and if the division finds that the political
233 subdivision failed to recognize a statewide license in
234 accordance with this section, the division shall notify the
235 political subdivision that the political subdivision has
236 violated the provisions of this section and has thirty days
237 to comply with this section. If after thirty days the
238 political subdivision still does not recognize a statewide
239 license, the division shall notify the director of the
240 department of revenue, who shall withhold any moneys the
241 noncompliant political subdivision would otherwise be
242 entitled to from local sales tax, as defined in section
243 32.085, until the director has received notice from the
244 division that the political subdivision is in compliance
245 with this section. Upon the political subdivision coming
246 into compliance with the provisions of this section, the
247 division shall notify the director of the department of
248 revenue, who shall disburse all funds held under this
249 subsection. Moneys held by the director of the department
250 of revenue under this subsection shall not be deemed to be
251 state funds and shall not be commingled with any funds of
252 the state.

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

255 (1) Enforcing any technical code or law contained in
256 this section;

257 (2) Requiring a business license to perform mechanical
258 contracting work;

259 (3) Issuing mechanical contracting permits;

260 (4) Enforcing technical codes of the political
261 subdivision;

262 (5) Inspecting the work of a statewide mechanical
263 contractor;

264 (6) Implementing a mechanical code based upon the
265 International Code Council (ICC) or International
266 Association of Plumbing and Mechanical Officials (IAPMO);

267 (7) Issuing a mechanical contractor license valid for
268 that political subdivision; or

269 (8) Licensing mechanical workers provided that such
270 licenses are based upon professional experience and passage
271 of a relevant, nationally accredited examination of the
272 International Code Council (ICC) or International
273 Association of Plumbing and Mechanical Officials (IAPMO)
274 that is administered on a routine and accessible schedule.";
275 and

276 Further amend said bill, page 9, Section 324.965, lines
277 1-20, by striking all of said lines and inserting in lieu
278 thereof the following:

279 "324.965. There is hereby created in the state
280 treasury the "Missouri Mechanical Contractor Licensing
281 Fund", which shall consist of moneys collected under
282 sections 324.950 to 324.983. The state treasurer shall be
283 custodian of the fund and may approve disbursements from the
284 fund in accordance with sections 30.170 and 30.180. Upon
285 appropriation, moneys in the fund shall be used solely for
286 the administration of sections 324.950 to 324.983. The
287 provisions of section 33.080 to the contrary

288 notwithstanding, moneys in this fund shall not be
289 transferred and placed to the credit of general revenue
290 until the amount in the fund at the end of the biennium
291 exceeds three times the amount of the appropriation from the
292 fund for the preceding fiscal year. The amount, if any, in
293 the fund which shall lapse is that amount in the fund which
294 exceeds the appropriate multiple of the appropriations from
295 the fund for the preceding fiscal year. The state treasurer
296 shall invest moneys in the fund in the same manner as other
297 funds are invested. Any interest and moneys earned on such
298 investments shall be credited to the fund."; and

299 Further amend said bill, pages 9-10, Section 324.968,
300 lines 1-17, by striking all of said lines and inserting in
301 lieu thereof the following:

302 "324.968. 1. Licenses shall expire on a renewal date
303 established by the division. The term of licensure shall be
304 twenty-four months. The division shall mail a renewal
305 notice to the last known address of each person licensed
306 under sections 324.950 to 324.983 prior to the renewal
307 date. Failure to provide the division with the information
308 required for renewal or to pay the required fee after such
309 notice shall result in the license being declared inactive.
310 The licensee shall not practice until he or she applies for
311 reinstatement and pays the required fees. The license shall
312 be restored if the application for reinstatement is received
313 within two years of the renewal date.

314 2. In addition to other requirements provided by
315 sections 324.950 to 324.983 and established by the division,
316 in order to renew such license under this section, the
317 person shall have at least sixteen contact hours of industry-
318 related training."; and

319 Further amend said bill, page 10, Section 324.971,
320 lines 1-8, by striking all of said lines and inserting in
321 lieu thereof the following:

322 "324.971. Any person operating as a mechanical
323 contractor in a political subdivision that does not require
324 the mechanical contractor to hold a local license, or who
325 operates as a mechanical contractor in a political
326 subdivision that requires a local license possessed by that
327 person, shall not be required to possess a statewide license
328 under sections 324.950 to 324.983 to operate as a mechanical
329 contractor in such political subdivision."; and

330 Further amend said bill and page, Section 324.977,
331 lines 1-3, by striking all of said lines and inserting in
332 lieu thereof the following:

333 "324.977. The statewide license shall be regulated by
334 the division and not a state-appointed licensing board."; and

335 Further amend said bill, pages 10-14, Section 324.980,
336 lines 1-127, by striking all of said lines and inserting in
337 lieu thereof the following:

338 "324.980. 1. The division may refuse to issue any
339 certificate of registration or authority, permit, or license
340 required under sections 324.950 to 324.983 for one or any
341 combination of causes stated in subsection 2 of this
342 section. The division shall notify the applicant in writing
343 of the reasons for the refusal and shall advise the
344 applicant of his or her right to file a complaint with the
345 administrative hearing commission as provided by chapter 621.

346 2. The division may cause a complaint to be filed with
347 the administrative hearing commission as provided by chapter
348 621 against any holder of any certificate of registration or
349 authority, permit, or license required by sections 324.950
350 to 324.983, or any person who has failed to renew or has
351 surrendered his or her certificate of registration or

352 authority, permit, or license for any one or any combination
353 of the following causes:

354 (1) Use of any controlled substance, as defined in
355 chapter 195, or alcoholic beverage to an extent that such
356 use impairs a person's ability to perform the work of any
357 profession licensed or regulated by sections 324.950 to
358 324.983;

359 (2) The person has been finally adjudicated and found
360 guilty, or entered a plea of guilty or nolo contendere, in a
361 criminal prosecution under the laws of any state or of the
362 United States, for any offense reasonably related to the
363 qualifications, functions, or duties of any profession
364 licensed or regulated under sections 324.950 to 324.983, for
365 any offense involving a controlled substance, or for any
366 offense an essential element of which is fraud, dishonesty,
367 or an act of violence;

368 (3) Use of fraud, deception, misrepresentation, or
369 bribery in securing any certificate of registration or
370 authority, permit, or license issued under sections 324.950
371 to 324.983 or in obtaining permission to take any
372 examination given or required under sections 324.950 to
373 324.983;

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

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

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

384 (7) Impersonation of any person holding a certificate
385 of registration or authority, permit, or license or allowing
386 any person to use his or her certificate of registration or
387 authority, permit, license, or diploma from any school;

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

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

396 (10) Assisting or enabling any person to practice or
397 offer to practice any profession licensed or regulated by
398 sections 324.950 to 324.983 who is not licensed or
399 registered and currently eligible to practice thereunder;

400 (11) Issuance of a certificate of registration or
401 authority, permit, or license based upon a material mistake
402 of fact;

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

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

406 (14) Use of any advertisement or solicitation which is
407 false, misleading, or deceptive to the general public or
408 persons to whom the advertisement or solicitation is
409 primarily directed; or

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

412 3. After the filing of such complaint, the proceedings
413 shall be conducted in accordance with the provisions of
414 chapter 621. Upon a finding by the administrative hearing
415 commission that the grounds provided in subsection 2 of this
416 section for disciplinary action are met, the division may,

417 singly or in combination, censure or place the person named
418 in the complaint on probation on such terms and conditions
419 as the division deems appropriate for a period not to exceed
420 five years, or may suspend, for a period not to exceed three
421 years, or revoke any certificate of registration or
422 authority, permit, or license issued under sections 324.950
423 to 324.983.

424 4. An individual whose certificate of registration or
425 authority, permit, or license has been revoked shall wait
426 three years from the date of revocation to apply for any
427 certificate of registration or authority, permit, or license
428 under sections 324.950 to 324.983. Any certificate of
429 registration or authority, permit, or license shall be
430 issued at the discretion of the board after compliance with
431 all the requirements of sections 324.950 to 324.983 relative
432 to the licensing or registration of the applicant for the
433 first time.

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

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

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

448 (3) Refusing to recognize a statewide license as a
449 valid license within any political subdivision.

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

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

457 8. The division may refer any violations of the
458 provisions of any state law or local ordinance relating to
459 the work performed by a licensee to the appropriate state or
460 local official."; and

461 Further amend said bill, page 14, Section 324.983,
462 lines 1-12, by striking all of said lines and inserting in
463 lieu thereof the following:

464 "324.983. 1. Any person that knowingly violates any
465 provision of sections 324.950 to 324.983 is guilty of a
466 class B misdemeanor.

467 2. Any officer or agent of a corporation or member or
468 agent of a partnership or association who knowingly and
469 personally participates in or is an accessory to any
470 violation of sections 324.950 to 324.983 is guilty of a
471 class B misdemeanor.

472 3. The division may file suit for any violation of
473 sections 324.950 to 324.983 in any court of competent
474 jurisdiction and perform such other acts as may be necessary
475 to enforce the provisions of sections 324.950 to 324.983."