

FIRST REGULAR SESSION

# SENATE BILL NO. 568

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR LOUDON.

Read 1st time February 22, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

0153S.04I

## AN ACT

To amend chapter 324, RSMo, by adding thereto ten new sections relating to the powers and duties of the Missouri electrical industry licensing board, 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 324.800, 324.805, 324.810, 324.815, 324.820, 324.825, 324.830, 324.835, 324.840, and 324.845, to read as follows:

**324.800. As used in sections 324.800 to 324.845, unless the context clearly means otherwise, the following terms shall mean:**

(1) "BAT", Bureau of Apprenticeship and Training, a bureau within the United States Department of Labor;

(2) "Board", the Missouri electrical industry licensing board;

(3) "Certifying entity", the nongovernmental agency or association which certifies or registers individuals who have completed academic and training requirements;

(4) "Director", the director of the division of professional registration;

(5) "Division", the division of professional registration within the department of insurance, financial and professional regulation;

(6) "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;

(7) "Electrical contractor", a person engaged in electrical contracting. No person, firm, corporation, institution, organization, or representative thereof shall engage in electrical contracting without

20 having a person responsible for such work who is licensed under  
21 sections 324.800 to 324.845. A licensed electrical contractor shall only  
22 represent one firm, person, corporation, institution, or organization at  
23 one time;

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

28 (9) "Nonpublic member", an individual who represents a  
29 professional association on the board;

30 (10) "Person", an individual, corporation, partnership,  
31 association, or other legal entity;

32 (11) "Public member", an individual who represents the home  
33 builders association, who is not associated with the electrical industry,  
34 and is a resident of the state of Missouri who has at a minimum of ten  
35 years experience in this state as a homebuilder which has constructed  
36 more than four hundred homes for citizens in the state of Missouri;

37 (12) "Statewide license", a valid license issued or recognized by  
38 the electrical industry licensing board that allows the licensee to  
39 practice in any jurisdiction regardless of local licensing requirements.

324.805. 1. There is hereby created within the division of  
2 professional registration a board to be known as the "Missouri  
3 Electrical Industry Licensing Board". The board shall consist of seven  
4 voting members including one public member, all of whom shall be  
5 citizens of the United States and domiciled within this state. The  
6 governor shall appoint the members of the board with the advice and  
7 consent of the senate for terms of four years; except as provided in  
8 subsection 3 of this section. The six nonpublic members shall hold an  
9 electrical contractor's license for at least five years immediately  
10 preceding the person's appointment to the board and shall at all times  
11 be holders of an electrical contractor license in this state. All  
12 nonpublic members shall be chosen from lists submitted by the director  
13 of the division of professional registration who shall inquire of the  
14 Independent Electrical Contractors Association, Associated Builders  
15 and Contractors, and National Electrical Contractors Association to  
16 obtain the names of individuals to be considered. The governor shall  
17 appoint nonpublic members as follows:

18           (1) Two members belonging to Associated Builders and  
19 Contractors;

20           (2) Two members belonging to the Independent Electrical  
21 Contractors Association; and

22           (3) Two members belonging to the National Electrical  
23 Contractors Association.

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

27           3. The initial appointments to the board shall be two members  
28 for terms of two years, two members for terms of three years, two  
29 members for terms of four years, and one public member for a term of  
30 four years.

31           4. Any member of the board may be removed from the board by  
32 the governor for neglect of duty required by law, for incompetency or  
33 for unethical or dishonest conduct. Upon the death, resignation,  
34 disqualification, or removal of any member of the board, the governor  
35 shall appoint a successor.

          324.810. 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 and regulations  
5 as may be necessary to carry out the provisions of sections 324.800 to  
6 324.845. The division, in collaboration with the board, may promulgate  
7 necessary rules compatible with sections 324.800 to 324.845, including,  
8 but not 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  
12 324.800 to 324.845. Any rule or portion of a rule, as that term is defined  
13 in section 536.010, RSMo, that is created under the authority delegated  
14 in this section shall become effective only if it complies with and is  
15 subject to all of the provisions of chapter 536, RSMo, and, if applicable,  
16 section 536.028, RSMo. This section and chapter 536, RSMo, are  
17 nonseverable and if any of the powers vested with the general assembly  
18 pursuant to chapter 536, RSMo, to review, to delay the effective date,  
19 or to disapprove and annul a rule are subsequently held

20 unconstitutional, then the grant of rulemaking authority and any rule  
21 proposed or adopted after August 28, 2007, shall 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.

324.815. 1. For the purpose of sections 324.800 to 324.845, the  
2 division shall:

3 (1) Employ, within the limits of the appropriations for that  
4 purpose, employees as are necessary to carry out the provisions of  
5 sections 324.800 to 324.845;

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 324.800 to  
9 324.845;

10 (4) Deposit all fees collected pursuant to sections 324.800 to  
11 324.845, by transmitting such funds to the department of revenue for  
12 deposit to the state treasury to the credit of the Missouri electrical  
13 industry licensing board fund; and

14 (5) Approve or disapprove certifying entities for professions  
15 within the electrical industry included in the scope of sections 324.800  
16 to 324.845.

17 2. The division may terminate recognition of any certifying  
18 entity included in the scope of sections 324.800 to 324.845 following a  
19 subsequent review of the certification of registration procedures of a  
20 certifying entity.

324.820. 1. Electrical contracting shall not include work done by  
2 any employee of an electric utility, a gas corporation as defined by  
3 subdivision (18) of section 386.020, RSMo, a water corporation as  
4 defined by subdivision (58) of section 386.020, RSMo, a railroad  
5 corporation, a contractor who services the construction and  
6 maintenance of power lines or substations of an electric utility  
7 corporation, a municipal utility, a rural electric cooperative, a

8 telecommunications company as defined by subdivision (51) of section  
9 386.020, RSMo, when engaged in work of the utility, a federally licensed  
10 radio or television broadcast station, a commercial mobile radio service  
11 provider licensed by the Federal Communications Commission under  
12 the commercial mobile radio services rules and regulations, or a  
13 private broadcast engineering contractor possessing a valid Society of  
14 Broadcast Engineers certification.

15 2. The provisions of sections 324.800 to 324.845 shall not apply to  
16 contractors whose primary occupation is the design or integration,  
17 installation, maintenance, or service of cabling infrastructure and  
18 products that transport voice, video, audio, and data signals in a  
19 commercial or residential premises.

324.825. 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 twenty-one years of age and a United States citizen;
- 7 (2) Provide proof of insurance in the amount of five hundred  
8 thousand dollars, and post a bond with each political subdivision in  
9 which the contractor will perform work, as required by that political  
10 subdivision;
- 11 (3) Pass a standardized and nationally accredited electrical  
12 assessment exam created and administered by a third party which  
13 meets current national industry standards, as determined by the board;
- 14 (4) Pay for the costs of such examination; and
- 15 (5) Have completed one of the following:
  - 16 (a) Twelve thousand verifiable practical hours installing  
17 equipment and associated wiring;
  - 18 (b) Ten thousand verifiable practical hours installing equipment  
19 and associated wiring and received an electrical journeyman certificate  
20 from a BAT-approved electrical apprenticeship program;
  - 21 (c) An associate's degree from a state-accredited program and  
22 eight thousand verifiable practical hours installing equipment and  
23 associated wiring; or
  - 24 (d) A four-year electrical engineering degree and four thousand  
25 verifiable practical hours supervising the installation of equipment and

26 associated wiring.

27           3. Electrical contractors who currently hold an electrical license  
28 that is in good standing which was issued by any authority in this state  
29 that required, prior to January 1, 2005, a written exam, and the  
30 applicants have passed such exam to obtain such license and have  
31 completed twelve thousand hours of verifiable practical experience,  
32 shall be issued a statewide license.

33           4. Notwithstanding any provision of sections 324.800 to 324.845  
34 to the contrary, any person operating as an electrical contractor in a  
35 political subdivision that does not require the contractor to hold a local  
36 license shall not be required to possess a statewide license under  
37 sections 324.800 to 324.845 in order to continue to operate as an  
38 electrical contractor in such a political subdivision.

39           5. The division, in collaboration with the board, may negotiate  
40 reciprocal contracts with other states, the District of Columbia, or  
41 territories of the United States which require standards for licensure,  
42 registration, or certification considered to be equivalent or more  
43 stringent than the requirements for licensure under sections 324.800 to  
44 324.845.

45           6. The statewide electrical contractor's license issued under  
46 sections 324.800 to 324.845 shall supersede all local electrical  
47 contractors' licenses. Political subdivisions shall not be prohibited  
48 from establishing their own local electrical contractor's license but  
49 shall recognize a statewide license in lieu of a local license for the  
50 purposes of performing contracting work or obtaining permits to  
51 perform work within such a political subdivision.

          324.830. 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 324.800 to 324.845. 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, RSMo. Upon appropriation, money in the fund shall be used  
7 solely for the administration of sections 324.800 to  
8 324.845. Notwithstanding the provisions of section 33.080, RSMo, to the  
9 contrary, any moneys remaining in the fund at the end of the biennium  
10 shall not revert to the credit of the general revenue fund. The state  
11 treasurer shall invest moneys in the fund in the same manner as other

12 funds are invested. Any interest and moneys earned on such  
13 investments shall be credited to the fund.

324.835. 1. The division shall mail a renewal notice to the last  
2 known address of each person licensed pursuant to sections 324.800 to  
3 324.845 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 and 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 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 pursuant to sections 324.800 to 324.845 in this state;

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 should transfer employment from  
16 one company to another, all permits on the contractor's license must  
17 first 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 will 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.

324.840. 1. The board may refuse to issue or renew or may  
2 suspend any license required pursuant to sections 324.800 to 324.845 for  
3 one or any combination of causes stated in subsection 4 of this  
4 section. The board shall notify the applicant in writing of the reasons  
5 for the refusal and shall advise the applicant of his or her right to file  
6 a complaint with the administrative hearing commission as provided  
7 by chapter 621, RSMo.

8 2. The board shall publish via electronic media a list of valid  
9 electrical contractors license holders, contact information and process  
10 information for filing grievances, and a list of current enforcement  
11 actions against license holders. This information should be updated on

12 a weekly basis.

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

17 4. The board may cause a complaint to be filed with the  
18 administrative hearing commission as provided by chapter 621, RSMo,  
19 against any holder of any license required by sections 324.800 to  
20 324.845 or any person who has failed to renew or has surrendered his  
21 or her license for any one or any combination of the following causes:

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

26 (2) The person has been finally adjudicated and found guilty, or  
27 entered a plea of guilty or nolo contendere, in a criminal prosecution  
28 under the laws of any state or of the United States, for any offense  
29 reasonably related to the qualifications, functions, or duties of any  
30 profession licensed or regulated by sections 324.800 to 324.845, for any  
31 offense an essential element of which is fraud, dishonesty, or an act of  
32 violence, or for any offense involving moral turpitude, whether or not  
33 sentence is imposed;

34 (3) Use of fraud, deception, misrepresentation, or bribery in  
35 securing any license issued pursuant to sections 324.800 to 324.845 or  
36 in obtaining permission to take any examination given or required  
37 pursuant to sections 324.800 to 324.845;

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

40 (5) Incompetency, misconduct, gross negligence, fraud,  
41 misrepresentation, or dishonesty in the performance of the functions  
42 and duties of any profession licensed or regulated by sections 324.800  
43 to 324.845;

44 (6) Violation of, or assisting or enabling any person to violate,  
45 any provision of sections 324.800 to 324.845 or any lawful rule or  
46 regulation adopted pursuant to sections 324.800 to 324.845;

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



49           (8) Disciplinary action against the holder of a license or other  
50 right to practice any profession regulated by sections 324.800 to 324.845  
51 granted by another state, territory, federal agency, or country upon  
52 grounds for which revocation or suspension is authorized in this state;

53           (9) A person is finally adjudged insane or incompetent by a court  
54 of competent jurisdiction;

55           (10) Assisting or enabling any person to practice or offer to  
56 practice any profession licensed or regulated by sections 324.800 to  
57 324.845 who is not registered and currently eligible to practice  
58 pursuant to sections 324.800 to 324.845;

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

61           (12) Violation of any professional trust or confidence;

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

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

67           (15) Violation of the drug laws or rules and regulations of this  
68 state, any other state or federal government.

69           5. After the filing of such complaint, the proceedings shall be  
70 conducted in accordance with the provisions of chapter 621,  
71 RSMo. Upon a finding by the administrative hearing commission that  
72 the grounds provided in subsection 2 of this section for disciplinary  
73 action are met, the board may, singly or in combination, censure or  
74 place the person named in the complaint on probation with such terms  
75 and conditions as the board deems appropriate for a period not to  
76 exceed five years, or may suspend, for a period not to exceed three  
77 years, or may revoke the license, certificate, or permit.

78           6. An individual whose license has been revoked shall wait at  
79 least one year from the date of revocation to apply for  
80 relicensure. Relicensure shall be at the discretion of the board after  
81 compliance with all requirements of sections 324.800 to 324.845 relative  
82 to the licensing of the applicant for the first time.

          324.845. 1. Any person or corporation who knowingly violates  
2 any provision of sections 324.800 to 324.845 is guilty of a class B  
3 misdemeanor.

4           2. Any officer or agent of a corporation or member or agent of a  
5 partnership or association, who knowingly and personally participates  
6 in, or is an accessory to, any violation of sections 324.800 to 324.845 is  
7 guilty of a class B misdemeanor.

8           3. The provisions of this section shall not be construed to release  
9 any person from civil liability or criminal prosecution pursuant to any  
10 other law of this state.

11          4. The division, in collaboration with the board, may cause a  
12 complaint to be filed for any violation of sections 324.800 to 324.845 in  
13 any court of competent jurisdiction and perform such other acts as may  
14 be necessary to enforce the provisions of sections 324.800 to 324.845.

✓

Bill

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