

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend SS/SCS/Senate Bill No. 88, Page 4, Section 324.004, Line 90,

2 by inserting after all of said line the following:

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

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

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

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

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

22 (4) "Journeyman", a person who holds a valid statewide
 23 mechanical journeyman license to perform mechanical work
 24 for, and under the supervision of and inspection of, a
 25 contractor, and to supervise and inspect the mechanical work
 26 of an apprentice;

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

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

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

37 a. HVAC system and associated appurtenances;

38 b. HVAC duct system and associated appurtenances;

39 c. Exhaust systems and associated appurtenances;

40 d. Combustion air or make up air and associated
41 appurtenances;

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

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

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

54 h. Process piping systems and associated appurtenances;

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

58 j. Fuel oil-fired and solid fuel appliances and
59 associated appurtenances, excluding those covered by a

60 nationally-standardized plumbing code or local ordinances
61 promulgated by a political subdivision of this state as such
62 ordinances existed on April 18, 2023;

63 k. Fuel oil piping and storage vessels and associated
64 appurtenances;

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

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

70 n. Process heating and associated appurtenances;

71 o. Refrigeration systems, including all equipment and
72 components thereof and associated appurtenances;

73 p. Nonmedical air, nonmedical oxygen, and nonmedical
74 vacuum piping for mechanical equipment and associated
75 appurtenances, excluding work covered by a nationally-
76 standardized plumbing code;

77 q. Liquified petroleum gas distribution piping and
78 associated appurtenances, excluding work covered by a
79 nationally-standardized plumbing code or local ordinances as
80 such ordinances existed on April 18, 2023;

81 r. Biogas, biodiesel, hydrogen processing systems, and
82 ethanol distribution and associated appurtenances;

83 s. Chillers, cooling towers, and associated support
84 steel and appurtenances for cooling towers;

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

88 u. All fuel and petroleum pipelines, piping, and
89 associated pumping stations with associated equipment and
90 appurtenances; and

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

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

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

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

106 c. Fire sprinkler or suppression systems.

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

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

113 (a) Single-family houses;

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

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

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

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

125 (9) "Statewide mechanical contractor license", a valid
126 license issued by the division to a contractor to bid and
127 accept mechanical work in any political subdivision
128 regardless of local requirements to bid and accept
129 mechanical work, to physically perform mechanical work, and
130 to directly supervise and inspect the mechanical work of a
131 journeyman;

132 (10) "Statewide mechanical journeyman license", a
133 valid license issued by the division to a journeyman to
134 physically perform mechanical work under the supervision and
135 inspection of a contractor and to directly supervise and
136 inspect the mechanical work of an apprentice.

137 324.953. 1. The division shall adopt, implement,
138 rescind, amend, and administer such rules as may be
139 necessary to carry out the provisions of sections 324.950 to
140 324.974, including but not limited to, the following:

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

143 (2) Application forms and fees;

144 (3) Professional education units for license renewal
145 and approval of professional education programs;

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

148 (5) Inactive licenses and reinstatement procedures; and

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

151 Any rule or portion of a rule, as that term is defined in
152 section 536.010, that is created under the authority
153 delegated in this section shall become effective only if it
154 complies with and is subject to all of the provisions of
155 chapter 536 and, if applicable, section 536.028. This
156 section and chapter 536 are nonseverable and if any of the
157 powers vested with the general assembly pursuant to chapter

158 536 to review, to delay the effective date, or to disapprove
159 and annul a rule are subsequently held unconstitutional,
160 then the grant of rulemaking authority and any rule proposed
161 or adopted after August 28, 2023, shall be invalid and void.

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

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

167 (2) Exercise all administrative functions;

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

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

175 (5) Enter into agreements with the boiler and pressure
176 vessel safety unit within the division of fire safety of the
177 department of public safety to investigate complaints
178 against a licensee from persons who receive services from
179 the licensee and for the submission of a report to the
180 division of such investigation; provided that the division
181 shall retain the authority to institute any enforcement
182 action against a licensee as a result of an investigation
183 under this subdivision. Nothing in this subdivision shall
184 be construed to prevent the boiler and pressure vessel
185 safety unit from reporting a violation of sections 324.950
186 to 324.974 found during a routine inspection to the
187 division; and

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

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

194 324.956. There is hereby created in the state treasury
195 the "Missouri Mechanical Contractor Licensing Fund", which
196 shall consist of moneys collected under sections 324.950 to
197 324.974. The state treasurer shall be custodian of the fund
198 and may approve disbursements from the fund in accordance
199 with sections 30.170 and 30.180. Upon appropriation, moneys
200 in the fund shall be used solely for the administration of
201 sections 324.950 to 324.974. The provisions of section
202 33.080 to the contrary notwithstanding, moneys in this fund
203 shall not be transferred and placed to the credit of general
204 revenue until the amount in the fund at the end of the
205 biennium exceeds three times the amount of the appropriation
206 from the fund for the preceding fiscal year. The amount, if
207 any, in the fund which shall lapse is that amount in the
208 fund which exceeds the appropriate multiple of the
209 appropriations from the fund for the preceding fiscal year.
210 The state treasurer shall invest moneys in the fund in the
211 same manner as other funds are invested. Any interest and
212 moneys earned on such investments shall be credited to the
213 fund.

214 324.959. The provisions of sections 324.950 to 324.974
215 shall not apply to mechanical work, including residential
216 work, performed in any county with more than two hundred
217 sixty thousand but fewer than three hundred thousand
218 inhabitants, any county with more than fifty thousand but
219 fewer than sixty thousand inhabitants and with a county seat
220 with more than ten thousand but fewer than twelve thousand
221 six hundred inhabitants, or any county with more than one
222 hundred twenty thousand but fewer than one hundred fifty

223 thousand inhabitants, or any political subdivision contained
224 within such counties.

225 324.962. 1. The applicant for a statewide mechanical
226 contractor license shall have:

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

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

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

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

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

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

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

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

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

256 324.965. 1. Any corporation, firm, institution,
257 organization, company, or representative thereof engaging in
258 mechanical work in a political subdivision that requires a
259 local license in order to perform such work shall:

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

265 (2) For purposes of performing residential work, have
266 either a statewide mechanical contractor licensee or a
267 statewide mechanical journeyman licensee to perform, direct,
268 inspect, or supervise the work, or the equivalent local
269 licensee; and

270 (3) For all other mechanical work, have at least one
271 statewide mechanical journeyman licensee on site for every
272 statewide mechanical apprentice licensee performing the
273 work, or the equivalent local licensee.

274 2. Any person performing mechanical work in a
275 political subdivision that does not require the person to
276 hold a local license, or any person who possesses such local
277 license, shall not be required to obtain or possess a
278 statewide license under sections 324.950 to 324.974 to
279 perform mechanical work in such political subdivision.

280 3. (1) Political subdivisions shall not be prohibited
281 from establishing their own mechanical contractor,
282 journeyman, or apprentice licenses, but shall recognize a
283 statewide license in lieu of the equivalent local license
284 for the purpose of performing mechanical work in such
285 political subdivision. A statewide licensee under sections
286 324.950 to 324.974 shall be deemed eligible to perform
287 mechanical work and to obtain permits to perform said work

288 from any political subdivision in this state commensurate
289 with the corresponding local license.

290 (2) Nothing in sections 324.950 to 324.974 shall be
291 construed to prohibit a political subdivision from enforcing
292 any of the political subdivision's codes, ordinances, or
293 laws; inspecting the work of licensees; or reporting
294 suspected violations of sections 324.950 to 324.974 to the
295 division for investigation of the licensee.

296 4. (1) If a political subdivision does not recognize
297 a statewide license in lieu of an equivalent local license
298 for the purposes of performing mechanical work or obtaining
299 permits to perform mechanical work within the political
300 subdivision, then a statewide licensee may file a complaint
301 with the division.

302 (2) The division shall perform an investigation into
303 the complaint, and if the division finds that the political
304 subdivision failed to recognize a statewide license in
305 accordance with the provisions of this section, then the
306 division shall notify the political subdivision that the
307 political subdivision has violated the provisions of this
308 section and has thirty days to comply with the law.

309 (3) If, after thirty days of notification by the
310 division, the political subdivision continues to refuse or
311 fail to recognize a statewide license, then the division
312 shall notify the director of the department of revenue, who
313 shall withhold any moneys that the noncompliant political
314 subdivision would otherwise be entitled to from local sales
315 tax, as defined in section 32.085, until the director has
316 received notice from the division that the political
317 subdivision is in compliance with this section.

318 (4) When the political subdivision becomes compliant
319 with the provisions of this section, the division shall
320 notify the director of the department of revenue who shall

321 disburse all funds held under this subsection. Moneys held
322 by the director of the department of revenue under this
323 subsection shall not be deemed to be state funds and shall
324 not be commingled with any funds of the state.

325 324.968. Licenses issued under sections 324.950 to
326 324.974 shall expire on a renewal date established in rule
327 by the division. The term of licensure shall be three
328 years. The division shall mail a renewal notice prior to
329 the renewal date. Professional education units needed for
330 license renewal, as well as procedures involving inactive
331 licenses and reinstatement of licenses shall be equal to
332 those in the mechanical code or ordinance, as such existed
333 on April 18, 2023, of any county with more than one million
334 inhabitants.

335 324.971. 1. The division may refuse to issue or renew
336 or may suspend any license under sections 324.950 to 324.974
337 for one or any combination of causes stated in subsection 3
338 of this section. The division shall notify the applicant in
339 writing of the reasons for the refusal and shall advise the
340 applicant of his or her right to file a complaint with the
341 administrative hearing commission as provided by chapter 621.

342 2. The division shall publish via electronic media and
343 update on a weekly basis a list of valid statewide
344 mechanical contractor licensees under sections 324.950 to
345 324.974, a list of current enforcement actions against such
346 licensees, and the procedures for filing grievances against
347 any statewide mechanical contractor, mechanical journeyman,
348 and mechanical apprentice licensees.

349 3. The division may cause a complaint to be filed with
350 the administrative hearing commission as provided by chapter
351 621 against any licensee under sections 324.950 to 324.974
352 or any person who has failed to renew or has surrendered his

353 or her license for any one or any combination of the
354 following causes:

355 (1) The final adjudication and finding of guilty, or
356 the entering of a plea of guilty or nolo contendere, in a
357 criminal prosecution under the laws of any state, of the
358 United States, or of any country, for any offense reasonably
359 related to the qualifications, duties, and responsibilities
360 of a licensee under sections 324.950 to 324.974 for any
361 offense an essential element of which is fraud, dishonesty,
362 or an act of violence;

363 (2) Use of fraud, deception, misrepresentation, or
364 bribery in securing any license issued under sections
365 324.950 to 324.974 or in obtaining permission to take any
366 examination given or required under sections 324.950 to
367 324.974;

368 (3) Obtaining or attempting to obtain any fee, charge,
369 tuition, or other compensation by fraud, deception, or
370 misrepresentation;

371 (4) Incompetence, misconduct, gross negligence, fraud,
372 misrepresentation, or dishonesty in the performance of the
373 functions and duties of any profession licensed or regulated
374 under sections 324.950 to 324.974;

375 (5) Violation of, or assisting or enabling any person
376 to violate, any provision of sections 324.950 to 324.974 or
377 any lawful rule adopted under sections 324.950 to 324.974;

378 (6) Impersonation of any person holding a license or
379 allowing any person to use his or her license;

380 (7) Final adjudication of a person as incompetent by a
381 court of competent jurisdiction;

382 (8) Assisting or enabling any person to practice, or
383 offer to practice, any profession licensed or regulated
384 under sections 324.950 to 324.974 who is not licensed and
385 currently eligible to practice under sections 324.950 to

386 324.974 or who does not possess an active equivalent local
387 license if required by a political subdivision; or

388 (9) Issuance of a license based upon a material
389 mistake of fact.

390 4. After the filing of such complaint, the proceedings
391 shall be conducted in accordance with the provisions of
392 chapter 621. Upon a finding by the administrative hearing
393 commission that the grounds provided in subsection 3 of this
394 section for disciplinary action are met, the division may,
395 singly or in combination, censure or place the person named
396 in the complaint on probation with such terms and conditions
397 as the division deems appropriate for a period not to exceed
398 five years, or may suspend, for a period not to exceed three
399 years, or revoke the license.

400 5. An individual whose license has been revoked shall
401 wait at least one year from the date of revocation to apply
402 for relicensure. Relicensure shall be at the discretion of
403 the division after compliance with all requirements of
404 sections 324.950 to 324.974 relative to the previous
405 licensing of the applicant.

406 324.974. 1. Any person who knowingly violates any
407 provision of sections 324.950 to 324.974 is guilty of a
408 class B misdemeanor.

409 2. Any officer or agent of a corporation or member or
410 agent of a partnership or association who knowingly and
411 personally participates in or is an accessory to any
412 violation of sections 324.950 to 324.974 is guilty of a
413 class B misdemeanor.

414 3. The division may cause a complaint to be filed for
415 any violation of sections 324.950 to 324.974 in any court of
416 competent jurisdiction and perform such other acts as may be
417 necessary to enforce the provisions of sections 324.950 to
418 324.974."; and

419 Further amend the title and enacting clause accordingly.