

FIRST REGULAR SESSION

HOUSE BILL NO. 311

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES GATSCHENBERGER (Sponsor), LONG,
JONES (117) AND RICHARDSON (Co-sponsors).

0646L.011

D. ADAM CRUMBLISS, Chief Clerk

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
2 known as sections 324.900, 324.905, 324.910, 324.915, 324.920, 324.925, 324.930, 324.935,
3 324.940, and 324.945, to read as follows:

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

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

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

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

7 (4) "Division", the division of professional registration within the department of
8 insurance, financial institutions and professional registration;

9 (5) "Electrical contracting", engaging in the business of installing, erecting, or
10 maintaining electrical wiring, fixtures, apparatus, equipment, devices, or components,
11 regardless of voltage, that are used for generation, transmission, and utilization of
12 electricity;

13 (6) "Electrical contractor", a person engaged in electrical contracting. No person,
14 firm, corporation, institution, organization, or representative thereof shall engage in
15 electrical contracting without having an individual responsible for such work who is

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

16 licensed under sections 324.900 to 324.945. A licensed electrical contractor shall only
17 represent one firm, person, corporation, institution, or organization at one time;

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

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

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

324.905. 1. There is hereby created within the division of professional registration
2 the "Missouri Electrical Industry Licensing Board". The board shall consist of eight
3 voting members, all of whom shall be citizens of the United States and domiciled within this
4 state. The governor shall appoint the members of the board with the advice and consent
5 of the senate for terms of four years, except as provided in subsection 3 of this section.
6 Four members shall be in good standing with the National Electrical Contractors
7 Association, or any successor organization, two members shall be in good standing with the
8 Associated Builders and Contractors, or any successor organization, and two members
9 shall be in good standing with the Independent Electrical Contractors, or any successor
10 organization. All members shall be chosen from lists submitted by the director of the
11 division of professional registration who shall inquire of the Independent Electrical
12 Contractors Association, Associated Builders and Contractors, and National Electrical
13 Contractors Association, or any successor organizations, to obtain the names of individuals
14 to be considered.

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

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

20 4. Any member of the board may be removed from the board by the governor for
21 neglect of duty required by law, for incompetency, or for unethical or dishonest conduct.
22 Upon the death, resignation, disqualification, or removal of any member of the board, the
23 governor shall appoint a successor.

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

3 **2. The division, in collaboration with the board, shall adopt, implement, rescind,**
4 **amend, and administer such rules as may be necessary to carry out the provisions of**
5 **sections 324.900 to 324.945. The division, in collaboration with the board, may promulgate**
6 **necessary rules compatible with sections 324.900 to 324.945, including, but not limited to,**
7 **rules relating to professional conduct, continuing competency requirements for the renewal**
8 **of licenses, approval of continuing competency programs, and the establishment of ethical**
9 **standards of practice for persons holding a license pursuant to sections 324.900 to 324.945.**
10 **Any rule or portion of a rule, as that term is defined in section 536.010 that is created**
11 **under the authority delegated in this section shall become effective only if it complies with**
12 **and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028.**
13 **This section and chapter 536 are nonseverable and if any of the powers vested with the**
14 **general assembly pursuant to chapter 536, to review, to delay the effective date, or to**
15 **disapprove and annul a rule are subsequently held unconstitutional, then the grant of**
16 **rulemaking authority and any rule proposed or adopted after August 28, 2011, shall be**
17 **invalid and void.**

18 **3. The board shall convene at the request of the director or as the board shall**
19 **determine. The board shall hold regular meetings at least four times per year.**

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

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

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

4 **(2) Exercise all administrative functions;**

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

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

10 **(5) Approve or disapprove certifying entities for professions within the electrical**
11 **industry included in the scope of sections 324.900 to 324.945.**

12 **2. The division may terminate recognition of any certifying entity included in the**
13 **scope of sections 324.900 to 324.945 following a subsequent review of the certification or**
14 **registration procedures of a certifying entity.**

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

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

4 (2) A railroad corporation;

5 (3) A contractor who services the construction and maintenance of power lines or
6 substations of an electric utility corporation, a municipal utility, a rural electric
7 cooperative, a telecommunications company as defined in section 386.020, when engaged
8 in work of the utility;

9 (4) A federally licensed radio or television broadcast station, a commercial mobile
10 radio service provider licensed by the Federal Communications Commission under the
11 commercial mobile radio services rules and regulations;

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

14 (6) Contractors whose primary occupation is the design or integration, installation,
15 maintenance, or service of cabling infrastructure and products that transport voice, video,
16 audio, and data signals in a commercial or residential premises.

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

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

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

6 (2) Provide proof of insurance in the amount of five hundred thousand dollars, and
7 post a bond with each political subdivision in which the contractor will perform work, as
8 required by that political subdivision;

9 (3) Pass a standardized and nationally accredited electrical assessment examination
10 created and administered by a third party which meets current national industry
11 standards, as determined by the board;

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

13 (5) Have completed one of the following:

14 (a) Twelve thousand verifiable practical hours installing equipment and associated
15 wiring;

16 (b) Ten thousand verifiable practical hours installing equipment and associated
17 wiring and received an electrical journeyman certificate from a United States Department
18 of Labor-approved electrical apprenticeship program;

19 (c) An associate's degree from a state-accredited program and eight thousand
20 verifiable practical hours installing equipment and associated wiring; or

21 (d) A four-year electrical engineering degree and four thousand verifiable practical
22 hours supervising the installation of equipment and associated wiring.

23 3. Electrical contractors who currently hold an electrical license that is in good
24 standing which was issued by any authority in this state that required, prior to January
25 1, 2005, a written examination, and the applicants have passed such examination to obtain
26 such license and have completed twelve thousand hours of verifiable practical experience
27 shall be issued a statewide license.

28 4. Any person operating as an electrical contractor in a political subdivision that
29 does not require the contractor to hold a local license shall not be required to possess a
30 statewide license under sections 324.900 to 324.945 in order to continue to operate as an
31 electrical contractor in such political subdivision.

32 5. The division, in collaboration with the board, may negotiate reciprocal
33 agreements with other states, the District of Columbia, or territories of the United States
34 which require standards for licensure, registration, or certification considered to be
35 equivalent or more stringent than the requirements for licensure under sections 324.900
36 to 324.945.

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

324.930. There is hereby created in the state treasury the "Missouri Electrical
2 Industry Licensing Board Fund", which shall consist of money collected under sections
3 324.900 to 324.945. The state treasurer shall be custodian of the fund and may approve
4 disbursements from the fund in accordance with sections 30.170 and 30.180. Upon
5 appropriation, money in the fund shall be used solely for the administration of sections
6 324.900 to 324.945. Notwithstanding the provisions of section 33.080 to the contrary, any
7 moneys remaining in the fund at the end of the biennium shall not revert to the credit of
8 the general revenue fund. The state treasurer shall invest moneys in the fund in the same
9 manner as other funds are invested. Any interest and moneys earned on such investments
10 shall be credited to the fund.

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

6 license shall be restored if the application for reinstatement is received within two years
7 of the renewal date.

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

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

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

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

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

6 **2. The board shall publish via electronic media and update on a weekly basis a list**
7 **of valid statewide license holders, a list of current enforcement actions against license**
8 **holders, and the procedures for filing grievances against licensees.**

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

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

16 **(1) Use or unlawful possession of any controlled substance, as defined in chapter**
17 **195, or alcoholic beverage to an extent that such use impairs a person's ability to perform**
18 **the work of an electrical contractor;**

19 **(2) The person has been finally adjudicated and found guilty, or entered a plea of**
20 **guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the**

21 **United States, for any offense reasonably related to the qualifications, functions, or duties**
22 **of any profession licensed or regulated by sections 324.900 to 324.945, for any offense an**
23 **essential element of which is fraud, dishonesty, or an act of violence, or for any offense**
24 **involving moral turpitude, whether or not sentence is imposed;**

25 **(3) Use of fraud, deception, misrepresentation, or bribery in securing any license**
26 **issued under sections 324.900 to 324.945 or in obtaining permission to take any**
27 **examination given or required under sections 324.900 to 324.945;**

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

30 **(5) Incompetency, misconduct, gross negligence, fraud, misrepresentation, or**
31 **dishonesty in the performance of the functions and duties of any profession licensed or**
32 **regulated by sections 324.900 to 324.945;**

33 **(6) Violation of, or assisting or enabling any person to violate, any provision of**
34 **sections 324.900 to 324.945 or any lawful rule adopted under sections 324.900 to 324.945;**

35 **(7) Impersonation of any person holding a license or allowing any person to use his**
36 **or her license;**

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

41 **(9) A person is finally adjudged insane or incompetent by a court of competent**
42 **jurisdiction;**

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

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

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

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

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

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

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

63 **6. An individual whose license has been revoked shall wait at least one year from**
64 **the date of revocation to apply for relicensure. Relicensure shall be at the discretion of the**
65 **board after compliance with all requirements of sections 324.900 to 324.945 relative to the**
66 **licensing of the applicant for the first time.**

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

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