

FIRST REGULAR SESSION

HOUSE BILL NO. 828

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KORMAN.

0218H.04I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 700, RSMo, by adding thereto eleven new sections relating to modular unit installers.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 700, RSMo, is amended by adding thereto eleven new sections, to
2 be known as sections 700.700, 700.702, 700.704, 700.706, 700.708, 700.710, 700.712, 700.713,
3 700.714, 700.715, and 700.716, to read as follows:

**700.700. 1. For purposes of sections 700.700 to 700.716, the following terms shall
2 mean:**

3 **(1) "Applicant", a person who applies to the commission for a license to install a
4 modular unit;**

5 **(2) "Commission", the Missouri public service commission;**

6 **(3) "Installation", work undertaken at the place of occupancy to ensure the proper
7 initial setup of a modular unit which shall include the joining of all sections of the unit,
8 installation of stabilization, support, and leveling systems, assembly of multiple or
9 expanded units, and installation of proper utility hookups and anchoring systems, if
10 applicable;**

11 **(4) "Installer", an individual who is licensed by the commission to install modular
12 units, under sections 700.700 to 700.716;**

13 **(5) "Modular unit", a transportable building unit designed to be used by itself or
14 to be incorporated with similar units at a point-of-use into a modular structure to be used
15 for commercial, industrial, or educational purposes, as constructed under the International**

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 **Building Code (IBC). This definition shall not apply to structures under four hundred ten**
17 **square feet, built to the group U classification under the IBC; and**

18 **(6) "Person", an individual, partnership, corporation, or other legal entity.**

700.702. The commission shall implement a program to assure the proper
2 **installation of modular units by licensed installers. The program shall include the**
3 **following components:**

4 **(1) Licensing of installers, including penalties for engaging in the business of**
5 **modular unit installation without a license from the commission;**

6 **(2) Inspection of a percentage of installed modular units; and**

7 **(3) A process to resolve disputes relating to the installation of modular units.**

700.704. 1. No person shall engage in the business of installing modular units or
2 **hold himself or herself out as a modular unit installer in this state unless such person holds**
3 **a valid installer license issued by the commission under sections 700.700 to 700.716.**

4 **2. The installer license obtained from the commission shall be the only installer**
5 **license required for installing modular units within this state. No political subdivision of**
6 **this state shall issue an installer license or require additional professional licensure of**
7 **installers already licensed by the commission.**

700.706. 1. The commission shall issue an installer license to an applicant who:

2 **(1) Files a written application with the commission on a form approved by the**
3 **commission;**

4 **(2) Is at least eighteen years old;**

5 **(3) Is of good moral character;**

6 **(4) Presents evidence that he or she has completed a training program approved**
7 **by the commission;**

8 **(5) Has attained a passing grade upon a commission approved examination, that**
9 **is designed to test the skills necessary to properly perform as an installer and to ascertain**
10 **the adequacy of the applicant's knowledge of laws applicable to modular unit installation.**
11 **The commission may establish criteria that constitute a passing grade for the examination;**
12 **and**

13 **(6) Pays all fees as required by sections 700.700 to 700.716 and by commission rule.**

14 **2. In addition to fulfilling the requirements of subsection 1 of this section, an**
15 **applicant shall obtain a bond in an amount and with sureties approved by the commission.**

16 **3. In addition to fulfilling the requirements of subsection 1 of this section, an**
17 **applicant shall obtain and show proof of a certificate of insurance for workers'**
18 **compensation coverage.**

19 **4. In addition to fulfilling the requirements of subsection 1 of this section, an**
20 **applicant shall disclose to its clients and the commission its standard limits of liability of**
21 **general liability insurance.**

22 **5. An installer license shall be valid for a period of time determined by the**
23 **commission, but not for less than one year, and it may be renewed accordingly.**

24 **6. (1) The commission may waive the training and examination requirements of**
25 **subsection 1 of this section and grant an installer license to an applicant who pays the**
26 **applicable fee and demonstrates to the commission's satisfaction that his or her current**
27 **license, registration, or certification requirements as an installer in another state, the**
28 **District of Columbia, or territories of the United States substantially meets or exceeds the**
29 **requirements in sections 700.700 to 700.716.**

30 **(2) The commission may negotiate reciprocal agreements that allow licensed**
31 **installers in Missouri to become licensed in other states, the District of Columbia, or**
32 **territories of the United States.**

700.708. 1. The commission shall mail a renewal notice to the last known address
2 **of each installer licensee prior to the renewal date and shall establish procedures and**
3 **requirements, including proof of at least one continuing education program per year, for**
4 **renewing an installer license. The commission shall renew the license of a licensee who**
5 **fulfills these requirements before the expiration date of his or her license and within a time**
6 **period determined by the commission. The commission shall deny renewal to a licensee**
7 **who does not fulfill these requirements.**

8 **2. Upon a licensee's written request, the commission may grant inactive status to**
9 **a licensee, if the person meets the licensing requirements in sections 700.700 to 700.716**
10 **and:**

11 **(1) Does not install modular units, except as allowed under section 700.706;**

12 **(2) Does not hold himself or herself out as an installer in the state of Missouri; and**

13 **(3) Maintains continuing education requirements established by the commission.**

14 **3. The commission may establish procedures and requirements for reissuing an**
15 **installer license that has lapsed, expired, or been suspended, revoked, or placed on inactive**
16 **status. The commission shall not reissue a license more than two years after its expiration**
17 **date.**

700.710. Each licensed installer shall purchase installation decals from the
2 **commission for a fee established by the commission. An installation decal shall be affixed**
3 **to the modular unit upon completion of the installation. The decal shall note the installer's**
4 **license number and shall be permanently affixed to the modular unit at a location**
5 **determined by the commission.**

2 **700.712. 1. The commission may implement sections 700.700 to 700.716 using its**
3 **own employees, using independent contractors, consistent with policies established by the**
4 **office of administration, or through other private or public entities that provide a service**
5 **to an applicant or licensee at the expense of the applicant, licensee, or his or her employer.**

6 **2. The commission may establish reasonable fees to cover the cost of implementing**
7 **sections 700.700 to 700.716.**

8 **3. The commission may promulgate rules to implement the provisions of sections**
9 **700.700 to 700.716. Any rule or portion of a rule, as that term is defined in section 536.010,**
10 **that is created under the authority delegated in this section shall become effective only if**
11 **it complies with and is subject to all of the provisions of chapter 536 and, if applicable,**
12 **section 536.028. This section and chapter 536 are nonseverable and if any of the powers**
13 **vested with the general assembly under chapter 536 to review, to delay the effective date,**
14 **or to disapprove and annul a rule are subsequently held unconstitutional, then the grant**
15 **of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be**
invalid and void.

700.713. No person licensed as an installer and no applicant shall:

2 **(1) Obtain an installer license by fraud or misrepresentation;**

3 **(2) Be convicted, found guilty of, or enter a plea of nolo contendere to, regardless**
4 **of adjudication, a crime in any jurisdiction that directly relates to the business of**
5 **performing or the ability to perform modular unit installation;**

6 **(3) Violate any order of the commission;**

7 **(4) Commit misconduct, fraud, misrepresentation, or dishonesty in installing**
8 **modular units;**

9 **(5) Commit gross negligence, repeated negligence, or negligence resulting in a**
10 **significant danger to life or property; or**

11 **(6) Commit violations of installation standards adopted by the commission under**
12 **section 700.716.**

700.714. 1. Notwithstanding any provision of law to the contrary, the commission
2 **may discipline a holder of an installer license, or any other person for any violation or**
3 **combination of violations of sections 700.700 to 700.716.**

4 **2. The commission may discipline a licensee or applicant who violates any provision**
5 **of section 700.713 by:**

6 **(1) Revoking a license;**

7 **(2) Suspending a license;**

8 **(3) Requiring the person to take and pass, or retake and pass, an examination**
9 **approved by the commission;**

- 10 **(4) Placing the person on probation;**
11 **(5) Sending the person a notice of noncompliance; or**
12 **(6) Refusing to issue a license.**

13 **3. The commission may consider a complaint filed with it charging a licensed**
14 **installer with a violation of the provisions of sections 700.700 to 700.716. If proven, the**
15 **charges shall constitute grounds for revoking or suspending the installer license or for**
16 **placing the licensed installer on probation.**

17 **4. If it refuses to issue or renew an installer license, the commission shall notify the**
18 **person, in writing, of:**

19 **(1) The reasons for refusal;**

20 **(2) The option to resolve the matter through the commission's alternative dispute**
21 **resolution process;**

22 **(3) The opportunity to file a formal complaint with the commission if the person**
23 **does not choose alternative dispute resolution or if that process fails to resolve the matter;**
24 **and**

25 **(4) The right to review by the appellate court, as provided under section 386.510.**

700.715. 1. The commission shall investigate all complaints concerning violations
2 **of sections 700.700 to 700.716 to determine if there are grounds for disciplining a holder**
3 **of an installer license or for refusing to issue either form of license to an applicant.**

4 **2. The commission may issue subpoenas duces tecum in order to cause any installer**
5 **licensee or other person to produce records or appear as a witness in connection with an**
6 **investigation or proceeding under this section.**

7 **3. In lieu of, or in addition to, any remedy provided in this section, the commission**
8 **may file a petition in the name of the state asking a court to issue a restraining order or a**
9 **writ of mandamus against any person who is or who had been violating any of the**
10 **provisions of sections 700.700 to 700.716 or any rule, order, or subpoena issued by the**
11 **commission.**

700.716. 1. The commission shall require installers to install modular units in
2 **accordance with the installation instructions provided by the manufacturer of the modular**
3 **unit or the IBC or other building codes, as adopted by the commission, as amended.**

4 **2. The commission shall adopt uniform, reasonable standards for the proper**
5 **installation of modular units in this state including, but not limited to, standards for the**
6 **foundation, supports, anchoring, underpinning, and joining of the sections of the unit. The**
7 **standards shall provide for physical engineering needed to appropriately install a modular**
8 **unit on a specific site.**

9 **3. Each licensed installer shall purchase installation decals from the commission**
10 **for a fee established by the commission. An installation decal shall be affixed to the unit**
11 **upon completion of the installation. The decal shall note the installer's license number and**
12 **shall be permanently affixed to the unit at a location determined by the commission.**

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