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Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation Commission
Chapter 23—Technician Certification Program

SECRETARY OF STATE
ADMINISTRATIVE RULES

PROPOSED AMENDMENT

COPY

7 CSR 10-23.030 Certification Suspension and Revocation Procedures and the Appeal Process for Technicians and Sampling or Testing Technicians-in-Training. The Missouri Highways and Transportation Commission is amending sections (1)(B), (1)(D), (2)(B), and (2)(D).

PURPOSE: This proposed amendment provides for the revoking of all certifications for up to 1 year by the review board, extends the records period to 5 years and provides for possible consequences to the supervisor of an intern.

(1) Certification Suspension and Revocation.

(B) The review board shall evaluate any proposal by the MQE to suspend or revoke the certification of a technician to determine whether action should be taken against that technician in the public interest. Depending upon the seriousness of the technician's acts or omissions, the existence of past review board actions against him or her, and any mitigating factors, the review board may take the following actions against that technician:

1. Issue a written reprimand to the technician;
2. Suspend all certifications held by the technician, reserving the right for the review board to establish in each case the effective date and length of any suspension, not to exceed one (1) year in duration;
3. Revoke all certifications held by the technician **for one (1) year upon issuance of revocation**, requiring the technician to seek certification anew and complete all certification requirements again pursuant to 7 CSR 10-23.020; or
4. Revoke all certifications held by the technician, prohibiting the technician from seeking certification anew pursuant to 7 CSR 10-23.020 for a period of up to ten (10) years.

(D) Any actions taken by the review board against a technician, except for certification revocation, will be removed from the technician's existing record *[three (3)]* **five (5)** years after the date of such actions.

(2) Registered Intern Status Suspension and Revocation.

(B) The review board shall evaluate any proposal by the MQE to suspend or revoke the registered intern status of an individual to determine whether actions should be taken against that individual in the public interest. Depending upon the seriousness of the individual's acts or omissions, the existence of past review board actions against him or her, and any mitigating factors, the review board may take the following actions against that individual:

1. Issue a written reprimand to the individual **and supervisor if the supervisor is found to have contributed to improper procedures performed by the registered intern. The supervisor will be subject to 7 CSR 10-23.030;**

2. Suspend the registered intern status held by the individual, reserving the right for the review board to establish in each case the effective date and length of any suspension, not to exceed six (6) months in duration;

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3. Revoke the registered intern status held by the individual, prohibiting the individual from seeking registered intern status **and certification** [anew] pursuant to 7 CSR 10-23.020 for a period of up to [~~five (5)~~] **one (1)** year[s]; or

4. Revoke the registered intern status held by the individual, prohibiting the individual from seeking certification pursuant to 7 CSR 10-23.020 for a period of up to five (5) years.

(D) Any actions taken by the review board against an individual with registered intern status, except for registered intern status revocation, will be removed from the individual's existing record [~~three (3)~~] **five (5)** years after the date of such actions.

AUTHORITY: sections 226.020, 226.130, and 227.030, RSMo 2000 and 23 CFR Ch. 1, Part 637. Original rule filed May 7, 2002, effective Dec. 30, 2002. Amended: Filed Nov. 12, 2008, effective June 30, 2009. Amended: Filed December 8, 2016.*

**Original authority: 226.020, RSMo 1939; 226.130, RSMo 1939, amended 1993, 1995; and 227.030, RSMo 1939.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Transportation, Pamela Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*