

SENATE BILL NO. 211

INTRODUCED BY L. LARSON

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4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING ELECTRICIAN LICENSING LAWS;
5 REVISING DEFINITIONS; REQUIRING ELECTRICIANS TO CARRY THEIR LICENSE ON JOBSITES;
6 REVISING LICENSE APPLICATION REQUIREMENTS; REVISING LICENSE EXEMPTION PROVISIONS;
7 INCREASING FINES FOR FAILURE TO DISPLAY A LICENSE; INCREASING THE PENALTIES FOR
8 VIOLATION OF LICENSING LAWS; AMENDING SECTIONS 37-68-101, 37-68-102, 37-68-103, 37-68-201,
9 37-68-301, 37-68-302, 37-68-303, 37-68-304, 37-68-305, 37-68-311, 37-68-312, 37-68-315, 37-68-316, AND
10 37-68-322, MCA; AND REPEALING SECTIONS 37-68-307 AND 37-68-314, MCA."

11
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13
14 **Section 1.** Section 37-68-101, MCA, is amended to read:

15 **"37-68-101. Purpose.** The purpose of this chapter is to:

- 16 (1) protect the health and safety of the people of this state from the danger of electrically caused shocks,
17 fires, and explosions;
18 (2) protect property from the hazard of electrically caused fires and explosions;
19 (3) establish a procedure for determining where and by whom electrical installations are to be made;
20 (4) assure the public that persons making electrical installations are qualified; and
21 (5) ~~insure~~ ensure that the electrical installations ~~and electrical products made and sold~~ in this state meet
22 minimum safety standards."

23
24 **Section 2.** Section 37-68-102, MCA, is amended to read:

25 **"37-68-102. Definitions.** Unless the context requires otherwise, in this chapter, the following definitions
26 apply:

- 27 (1) "Board" means the state electrical board provided for in 2-15-1764.
28 (2) "Department" means the department of labor and industry provided for in Title 2, chapter 15, part 17.
29 (3) "ELECTRICAL CONSTRUCTION" MEANS WORK PERFORMED BY AN INDIVIDUAL, FIRM, OR CORPORATION IN
30 WHICH AN ELECTRICAL CONNECTION IS MADE TO A SUPPLY OF ELECTRICITY OR IN WHICH ELECTRICITY IS SUPPLIED TO ANY

1 ELECTRIC EQUIPMENT INSTALLATION FOR WHICH A PERMIT IS REQUIRED BY THE AUTHORITY HAVING JURISDICTION.

2 ~~(3)~~(4) (a) "Electrical contractor" means a person, firm, partnership, corporation, association, or
3 combination of these entities that undertakes or offers to undertake for another the planning, laying out,
4 supervising, and installing or the making of additions, alterations, and repairs in the installation of wiring apparatus
5 and equipment for electric light, heat, and power.

6 ~~(b) A registered~~ An electrical engineer who plans or designs electrical installations is not an electrical
7 contractor.

8 (5) (A) "ELECTRICAL MAINTENANCE" MEANS ORDINARY AND CUSTOMARY INSTALLATIONS IN A PLANT OR ONSITE
9 IN ADDITION TO MODIFICATIONS, ADDITIONS, OR REPAIRS THAT ARE LIMITED TO REPLACING BALLASTS, RELAMPING,
10 TROUBLE-SHOOTING MOTOR CONTROLS, AND REPLACING MOTORS, BREAKERS, OR MAGNETIC STARTERS IN A
11 KIND-FOR-KIND MANNER. ALSO INCLUDED IS THE CONNECTION OF SPECIFIC ITEMS OF SPECIALIZED EQUIPMENT THAT CAN
12 BE DIRECTLY CONNECTED TO AN EXISTING BRANCH CIRCUIT PANEL BY MEANS OF FACTORY-INSTALLED LEADS.

13 (B) THE TERM DOES NOT INCLUDE INSTALLATION OF A NEW CIRCUIT TO OPERATE THE EQUIPMENT DESCRIBED
14 IN SUBSECTION (5)(A) OR INSTALLATION THAT REQUIRES THE SIZE OF THE SUPPLY CONDUCTORS TO BE INCREASED. THESE
15 ACTIONS REQUIRE INSTALLATION BY A LICENSED ELECTRICAL CONTRACTOR.

16 ~~(4)~~(6) "Journeyman electrician" means a person having the necessary qualifications, training,
17 experience, and technical knowledge to wire for, install, and repair electrical apparatus and equipment for light,
18 heat, power, and other purposes under the rules governing this work.

19 ~~(5)~~(7) "Journeyman level experience" means being recognized as a journeyman electrician by a state
20 or other legally authorized jurisdiction or having a minimum of 8,000 hours of practical experience.

21 ~~(5)~~(6)(8) "Master electrician" means a person having the necessary qualifications, training, experience,
22 and technical knowledge to properly plan, lay out, and supervise the installation and repair of wiring apparatus
23 and equipment for electric light, heat, power, and other purposes under the rules governing this work.

24 ~~(7)~~(9) "Practical experience" means experience gained in the electrical construction industry consisting
25 of lay out, assembly, repairs, connecting and testing electrical fixtures, apparatus, and control equipment, and
26 wiring in residential and nonresidential settings pursuant to the provisions of the state electrical code or pursuant
27 to the requirements of another authority having jurisdiction.

28 ~~(8)~~(10) "Public utility" has the meaning provided in 69-3-101.

29 ~~(6)~~(9)(11) "Residential electrician" means a person having the necessary qualifications, training,
30 experience, and technical knowledge to wire for, install, and repair electrical apparatus and equipment for light,

1 heat, power, and other purposes in residential construction consisting of less than five living units in a single
2 structure under the rules governing this work."

3

4 **Section 3.** Section 37-68-103, MCA, is amended to read:

5 **"37-68-103. Exemptions.** (1) ~~Nothing in this~~ This chapter ~~shall be deemed to~~ does not apply to the
6 installation, alteration, or repair of electrical signal or communications equipment owned or operated by a public
7 utility or a city. For purposes of this exemption, "communications equipment" includes telephone wire inside a
8 customer's premises. ~~Nothing in this~~ This chapter ~~prohibits~~ does not prohibit a public utility from doing inside
9 wiring to install, alter, repair, or maintain electrical equipment, installations, or facilities in buildings owned by the
10 public utility if the work is accomplished by an employee who is a licensed electrician. If the building owned by
11 the public utility is open to the public and the inside wiring constitutes major renovation or construction, the
12 installation, alteration, repair, or maintenance of electrical equipment, installations, or facilities is subject to the
13 permits and inspections required by law.

14 (2) The licensing or inspection provisions of this chapter do not apply to regularly employed maintenance
15 electricians doing maintenance work on the business premises of their employer, ~~nor do they apply~~ or to line work
16 on the business premises of the employer when ordinary and customary in-plant or onsite installations,
17 modifications, additions, or repairs are performed.

18 (3) ~~Nothing in this chapter shall be construed to~~ This chapter does not require an individual to hold a
19 license ~~while or for doing~~ to perform electrical work on ~~his~~ the individual's own property or residence provided that
20 ~~said~~ the property or residence is maintained for ~~his~~ the individual's own use.

21 (4) An individual, firm, partnership, or corporation may apply for licensure ~~engage in business~~ as an
22 electrical contractor ~~without an electrician's license~~ if all electrical work performed by ~~such~~ the individual, firm,
23 partnership, or corporation is under the direction, control, and supervision of a licensed master electrician or
24 under the direction, control, and supervision of a licensed journeyman electrician for residential construction
25 consisting of less than five living units in a single structure.

26 (5) ~~Any~~ A person who plugs in an electrical appliance where an approved electrical outlet is already
27 installed ~~shall~~ may not be considered ~~as~~ an installer.

28 (6) ~~No~~ The provisions of this chapter ~~shall~~ may not in any manner interfere with, hamper, preclude, or
29 prohibit any vendor of any electrical appliance from selling, delivering, and connecting any electrical appliance
30 if the connection does not necessitate the installation of electrical wiring of the structure where the appliance is

1 to be connected."

2

3 **Section 4.** Section 37-68-201, MCA, is amended to read:

4 **"37-68-201. Organization -- meetings -- rulemaking power -- seal.** (1) Each July, the board shall elect
5 from its membership a ~~president~~ presiding officer, vice ~~president~~ presiding officer, and secretary-treasurer.

6 (2) The board shall meet quarterly and at other times that the board considers necessary.

7 (3) The board shall:

8 (a) adopt rules for the administration of this chapter, for the licensing of electrical contractors, and for
9 the examination of master, ~~and journeyman, and residential~~ electrical electricians;

10 (b) adopt a seal;

11 (c) ~~cause~~ provide for the prosecution and enjoinder of persons violating this chapter."

12

13 **Section 5.** Section 37-68-301, MCA, is amended to read:

14 **"37-68-301. License required to engage in electrical work.** (1) A person may not engage in or work
15 at the business; ~~OR~~ trade; ~~or calling of~~ OR HOLD ONESELF OUT AS BEING an electrician, electrical contractor,
16 residential electrician, journeyman electrician, or master electrician in this state until the person has received from
17 the department a license or permit to work as an electrical contractor, residential electrician, journeyman
18 electrician, or master electrician.

19 (2) A person who has received a license from the department under the provisions of this chapter shall
20 carry the license; ~~or proof of licensure~~; at all times while working at a job-site jobsite and performing work that
21 requires a license. ~~Acceptable proof of licensure must be determined by the board and made known to each~~
22 ~~licensee by the department when a license is issued.~~

23 ~~(3) A private or public employment agency or labor union, or an employee thereof, who refers persons~~
24 ~~for employment by others may not refer a person for employment by others to perform the work of an electrical~~
25 ~~contractor, residential electrician, journeyman electrician, or master electrician in this state unless the person has~~
26 ~~received from the department a license or permit to work as an electrical contractor, residential electrician,~~
27 ~~journeyman electrician, or master electrician."~~

28

29 **Section 6.** Section 37-68-302, MCA, is amended to read:

30 **"37-68-302. Unauthorized use of title.** ~~No~~ A person, firm, partnership, corporation, or association shall

1 may not assume or use the title or designation of licensed master electrician, master electrician, licensed
 2 journeyman electrician, journeyman electrician, ~~or licensed residential electrician, residential electrician, licensed~~
 3 electrician, or electrician unless qualified and licensed under this chapter."
 4

5 **Section 7.** Section 37-68-303, MCA, is amended to read:

6 **"37-68-303. Apprentice may work under licensed electrician -- record of apprentices.** This chapter
 7 does not prohibit a person from working as an apprentice in the ~~trade of electrician~~ electrical trade with an
 8 electrician licensed under this chapter and under rules ~~made~~ adopted by the board. The name and ~~residence~~
 9 address of each apprentice and the name and ~~residence~~ address of ~~his~~ the apprentice's employer ~~shall~~ must be
 10 filed with the department, and a record ~~shall~~ must be kept by the department showing the name and ~~residence~~
 11 address of each apprentice."
 12

13 **Section 8.** Section 37-68-304, MCA, is amended to read:

14 **"37-68-304. Master electricians -- application -- qualifications -- contents of examination -- fees.**

15 (1) An applicant for a master electrician's license shall furnish written evidence of:

16 (a) being a graduate electrical engineer of an accredited college or university and of having 1 year a
 17 minimum of 2,000 hours of legally obtained practical electrical experience; ~~or that the applicant is~~

18 (b) being a graduate of an electrical trade school and has having at least 4 years 8,000 hours of legally
 19 obtained practical journeyman level experience; ~~in electrical work or~~

20 (c) ~~has had~~ having at least 5 years of legally obtained practical journeyman level experience in planning,
 21 laying out, or supervising the installation and repair of wiring, apparatus, or equipment for electrical light, heat,
 22 and power.

23 (2) An applicant for a license as a master electrician shall file an application on a form furnished by the
 24 department, submit appropriate fees, and satisfactorily pass an examination prescribed by the board. The board
 25 shall; ~~not less than 30 days prior to a scheduled examination,~~ notify each applicant that the evidence submitted
 26 with the applicant's application is sufficient to qualify to take the examination or that the evidence is insufficient
 27 and is rejected. If the application is rejected, the board shall set forth the reasons in the notice to the applicant.
 28 ~~The place of examinations must be designated by the board, and examinations must be held at least once a year~~
 29 ~~and at other times as, in the opinion of the board, the number of applicants warrants.~~

30 (3) The examination must consist of at least ~~30~~ 80 questions designed to fairly test the applicant's

1 knowledge and the applicant's technical application skills in the following subjects:

2 (a) the ~~national~~ state electric code; and

3 (b) board procedures and rules AND APPLICABLE LAWS UNDER TITLE 37 OR TITLE 50.

4 ~~(b) cost estimating for electrical installments;~~

5 ~~———— (c) procurement and handling of materials needed for electrical installations and repair;~~

6 ~~———— (d) reading blueprints for electrical work;~~

7 ~~———— (e) drafting and layout of electrical circuits; and~~

8 ~~———— (f) knowledge of practical electrical theory.~~

9 (4) The board shall determine by rule the fees to be charged an applicant for each examination or
10 reexamination. The fees must be commensurate with costs."

11

12 **Section 9.** Section 37-68-305, MCA, is amended to read:

13 **"37-68-305. Journeyman and residential electricians -- application -- qualifications -- contents of**
14 **examination.** (1) An applicant for a journeyman electrician's license shall furnish written evidence of:

15 (a) at least 4 years completion of an approved of apprenticeship program in the electrical trade; or

16 (b) 4 years 8,000 hours of legally obtained practical experience in the wiring for, installing, and repairing
17 of electrical apparatus and equipment for light, heat, and power; ;

18 (c) completion of an appropriate training program conducted by a bona fide union OR TRADE ASSOCIATION;

19 or

20 (d) work in the electrical maintenance field for 10 years, accompanied by written certification by the
21 applicant's employer that the employer considers the applicant qualified to take the examination for which the
22 applicant is applying.

23 (2) Applications for license and notice to the applicant must be made and given ~~as in the case of~~ in the
24 same manner as for master electricians' licenses. The examination for a journeyman's license must consist of
25 at least ~~30~~ 60 questions designed to fairly test the applicant's knowledge and the applicant's technical application
26 skills in the following subjects:

27 ~~(a) the Ohm's law;~~

28 ~~(b)~~(a) the ~~national~~ state electric code; and

29 ~~(c)~~(b) layout and practical installation of electrical circuits board procedures and rules AND APPLICABLE
30 LAWS UNDER TITLE 37 OR TITLE 50.

1 ~~(2)(3)~~ An applicant for a residential electrician's license shall furnish written evidence of:
 2 ~~(a) at least 2 years of completion of an approved residential electrician apprenticeship program; in the~~
 3 ~~electrical trade or 2 years~~

4 ~~(b) 2,000 hours~~ of legally obtained practical experience in the wiring for, installing, and repairing of
 5 electrical apparatus and equipment for light, heat, and power in residential construction consisting of less than
 6 five living units in a single structure;

7 ~~(c) completion of an appropriate training program conducted by a bona fide union OR TRADE ASSOCIATION;~~
 8 ~~or~~

9 ~~(d) work in the electrical maintenance field for 10 years, accompanied by written certification by the~~
 10 ~~applicant's employer that the employer considers the applicant qualified to take the examination for which the~~
 11 ~~applicant is applying.~~

12 (4) Application for license and notice to the applicant must be made and given ~~as in the case of~~ in the
 13 same manner as for master electricians' licenses. The examination for a residential electrician's license must
 14 consist of at least ~~30~~ 50 questions designed to fairly test the applicant's knowledge and the applicant's technical
 15 application skills in the following subjects:

16 ~~(a) the Ohm's law;~~

17 ~~(b)(a)~~ the national state electric code; and

18 ~~(c)(b) board procedures and rules AND APPLICABLE LAWS UNDER TITLE 37 OR TITLE 50 layout and practical~~
 19 ~~installation of electrical circuits."~~

20

21 **Section 10.** Section 37-68-311, MCA, is amended to read:

22 **"37-68-311. Application fee -- license fee -- specific exemption for apprentices.** (1) Master
 23 electricians and journeyman or residential electricians installing or intending to install for hire electric wiring or
 24 equipment to convey electric current or apparatus to be operated by electric current shall apply for a license to
 25 the department. The application must be on a form furnished by the department and must be accompanied by
 26 an application fee set by the board. The forms must state the applicant's full name and address, the extent of
 27 work experience, and other information required by the board. If the applicant has complied with the rules adopted
 28 by the board and, being qualified, has successfully completed the examination, the department shall issue the
 29 proper license to the applicant.

30 (2) A person serving in an approved journeyman a 4-year electrician apprenticeship program or a

1 residential apprenticeship program under the supervision of a licensed electrician is exempt from the licensing
 2 provision of this section during training. ~~Credit for the time spent in an electrical school must be given to the~~
 3 ~~master electrician, journeyman electrician, residential electrician, or apprentice, up to a total of 2 years, on the~~
 4 ~~4-year requirement.~~

5 (3) In addition to the temporary permits authorized in 37-1-305, the board may, ~~on a case-by-case basis~~
 6 ~~at the board's discretion and in accordance with criteria determined by the board,~~ renew issue a second
 7 temporary practice permit for a person who fails the first license examination for which the person is eligible but
 8 and who submits a temporary practice permit fee with a request for a second temporary practice permit renewal
 9 application to the board stating that the person intends to retake the license examination on the next available
 10 date within 3 months of failing the first examination."

11
 12 **Section 11.** Section 37-68-312, MCA, is amended to read:
 13 **"37-68-312. Electrical contractor's license -- application -- fees.** (1) Each electrical contractor shall,
 14 on or before the date set by department rule, file with the department an application together with the appropriate
 15 fees for each firm operated by the electrical contractor in this state.

16 (2) The application for a domestic or foreign business entity must include or be accompanied by proof
 17 that the business entity has filed all required documents, including its business name, if necessary, with the
 18 secretary of state, the name and address of its registered agent if required to have a registered agent, and any
 19 other information that the department may require by rule."

20
 21 **Section 12.** Section 37-68-315, MCA, is amended to read:
 22 **"37-68-315. Proof Presentation of license.** (1) An employee of a private or public employment agency
 23 or labor union, a building code compliance inspector, an employee of the department, a person who is
 24 professionally responsible for a job site, or an electrician licensed under ~~Title 37, chapter 68~~ this chapter; has the
 25 right to ask a person working at a ~~job site~~ jobsite doing work that requires an electrician's license to present the
 26 person's license ~~provide proof of licensure~~. If the person performing the work is unable to furnish the person's
 27 license ~~proof of licensure~~, the requesting person may report that fact to the board or the department.

28 (2) An employee of the department may issue a citation to and collect a fine, as provided in 37-68-316,
 29 from a person at a ~~job site~~ jobsite where the person is performing electrical work if the person fails to display an
 30 electrician's license ~~or proof of licensure~~ at the request of the department ~~inspector~~ employee."

- 1
- 2 **Section 13.** Section 37-68-316, MCA, is amended to read:
- 3 **"37-68-316. Citation and fine for failure to display license.** (1) A citation for failure to display an
- 4 electrician's license ~~or proof of licensure~~ issued by an employee of the department must include:
- 5 (a) the time and date on which the citation is was issued;
- 6 (b) the name, address, mailing address, and signature of the person to whom the citation is was issued;
- 7 (c) reference to the statutory authority to issue the citation;
- 8 (d) the name, title, affiliation, and signature of the person issuing the citation;
- 9 (e) information explaining the procedure for the person to follow in order to pay the fine ~~or to demonstrate~~
- 10 ~~proof of licensure~~; and
- 11 (f) the amount of the applicable fine.
- 12 (2) The applicable civil fines for failing to display a license ~~or proof of licensure~~ are as follows:
- 13 (a) ~~\$100~~ \$250 for the first offense;
- 14 (b) ~~\$250~~ \$500 for the second offense; and
- 15 (c) ~~\$500~~ \$750 for the third and any subsequent offense.
- 16 (3) Each day of violation constitutes a separate offense. The person issuing the citation is responsible
- 17 for determining, by means of an up-to-date list or through telephone or other communication with the board office,
- 18 whether the citation being issued is for a first, second, or subsequent offense.
- 19 (4) The person who issues the citation is authorized to collect the fine, but the person who is issued a
- 20 citation may pay the fine to the appropriate authority identified on the citation within 5 business days of the date
- 21 of issuance. The board may, upon finding that the person has subsequently demonstrated acceptable proof of
- 22 licensure, waive or refund the fine.
- 23 (5) A person who refuses to sign and accept a citation commits a misdemeanor, punishable in the same
- 24 manner as provided in 37-1-318."
- 25

- 26 **Section 14.** Section 37-68-322, MCA, is amended to read:
- 27 **"37-68-322. Penalty.** (1) ~~(a) Any A person or corporation violating who knowingly violates~~ any provision
- 28 of this chapter ~~shall~~ may upon conviction of a violation:
- 29 ~~— (a) if a person,~~ be punished by a fine of not more than ~~\$500~~ \$750, by imprisonment for a term not to
- 30 exceed 6 months, by revocation of the license, or by any combination of the fine, imprisonment, and revocation,

1 in the discretion of the court; ~~and,~~

2 (b) ~~if~~ If a corporation; or other business entity violates any provision of this chapter, it may be punished
3 by a fine of not more than \$1,000.

4 (2) Any officer or agent of a corporation or other business entity or member or agent of a partnership or
5 association who knowingly and personally participates in or is an accessory to any violation of this chapter by the
6 ~~partnership, association, or corporation, other business entity, partnership, or association~~ shall be subject to the
7 penalties prescribed for individuals in subsection (1)(a).

8 (3) A violation of this chapter is a continuing violation, and the statute of limitations is tolled until the
9 violation ceases. The county attorney shall, upon request of the board, prosecute any violation of the licensing
10 requirements of this chapter."

11

12 NEW SECTION. **Section 15. Repealer.** Sections 37-68-307 and 37-68-314, MCA, are repealed.

13

- END -