EXHIBIT 3
DATE 1/15/2015
HB 80

HB 80
REVISING CERTAIN LICENSING BOARDS

BY REQUEST OF THE BOARD OF PLUMBERS AND THE STATE ELECTRICAL BOARD

SPONSOR – REP. RYAN LYNCH HD 76

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SUMMARY OF CHANGES OR ACTUAL AMENDMENT LANGUAGE

PAGE LINE

- 1 - 14 **Section 1.** Section 37-68-103, MCA, is amended to read:
- 2 - 8 (7) This chapter does not require an individual to hold a license to perform electrical work involving 90
9 volts or less of alternating current or direct current."

- 2 - 11 **Section 2.** Section 37-68-316, MCA, is amended to read:
22 (a) $100 for the first offense, unless the provisions of subsection (4)(b) apply;
- 3 - 1 (4)(b) The board may not impose a fine for a first offense on a licensee who produces proof of licensure to
2 the department within 5 days of the citation. In other cases, the board may, upon finding that the person has
3 demonstrated acceptable proof of licensure, waive or refund the fine.

- 3 - 7 **Section 3.** Section 37-69-304, MCA, is amended to read:
16 (b) satisfactory completion of ~~an~~ a written examination prescribed by the board and conducted by the
17 department, subject to 37-1-101(4), testing the applicant's knowledge of techniques and methods employed in
18 the field of plumbing and ~~establishing by~~, if required by the board, a practical demonstration establishing
19 competence in the special skills required in the field of plumbing.

- 3 - 23 **Section 4.** Section 37-69-310, MCA, is amended to read:
- 4 - 4 (a) $100 for the first offense, unless the provisions of subsection (4)(b) apply;
12 (4)(b) The board may not impose a fine for a first offense on a licensee who produces proof of licensure to
13 the department within 5 days of the citation. In other cases, the board may, upon finding that the person has
14 demonstrated acceptable proof of licensure, waive or refund the fine.

OVERVIEW OF BOARDS' POSITION

The Electrical Board along with the Division has provided direction to public, electricians and the Department in regards to the definition of low voltage work in Montana based off a September 2000 Declaratory ruling that defined low voltage work as 90 volts or less. To properly define low voltage work in Montana, the Board has made the request to include the provision in exemptions in order for Department Staff to have clarity, and to provide the public and electricians proper notice on who needs to hold a license in Montana.

The Electrical and Plumbing Board, have had outstanding motions to waive provisions of the cite and fine statute for the first offenders who submit proof of licensure to the department within 5 days. This allows a licensee who has misplaced or lost a license the opportunity to correct the actions without being imposed a fine. However, if the proof of licensure is not provided, then the licensee will need to pay the citation.

The Plumbing Board requests to amend the minimum qualifications for licensure as a journeyman plumber by substituting the mandatory requirement of a practical examination with exam at discretion of the board. Journeyman Plumber applicants come with extensive practical experience in the field as a statutory prerequisite to licensure, very few fail the practical exam on the first try, and none fail if the practical exam is retaken just once. Requiring applicants to pass a practical examination does not appear to be a necessary component to assuring qualified licensees.

The Practical examination is costly to licensees as they pay fees directly to the contractor for supplies and testing time. Surrounding States are moving away from the practical examination and only requiring a written examination that also includes isometric calculations and drawings that would maintain the practical examination evaluation through a written method.

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SUPPORT FOR BOARDS' POSITION

- Declaratory Ruling supporting low voltage as defined by "90 volts or less"
- Surrounding States moving away from Practical examination (Idaho and Washington)
- Approximately 15 Cite and Fines are imposed to electricians and plumbers in a given year. The licensee typically, unless not licensed in Montana, provides proof of the license within 5 days.

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