

1 HOUSE BILL NO. 79

2 INTRODUCED BY R. LYNCH

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

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING APPRENTICESHIP AND PREAPPRENTICESHIP
6 EXEMPTIONS FOR ELECTRICIANS AND PLUMBERS; EXEMPTING CERTAIN STUDENTS ENROLLED IN
7 ACCREDITED COLLEGE OR UNIVERSITY ELECTRICAL OR PLUMBING COURSES FROM LICENSURE AND
8 INSPECTION PROVISIONS FOR ELECTRICIANS AND PLUMBERS; AMENDING SECTIONS 37-68-103,
9 37-68-311, AND 37-69-102, MCA; REPEALING SECTIONS 37-68-303 AND 37-69-302, MCA; AND PROVIDING
10 AN EFFECTIVE DATE."

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

13
14 **Section 1.** Section 37-68-103, MCA, is amended to read:
15 **"37-68-103. Exemptions.** (1) This chapter does not apply to the installation, alteration, or repair of
16 electrical signal or communications equipment owned or operated by a public utility or a city. For purposes of this
17 exemption, "communications equipment" includes telephone wire inside a customer's premises. This chapter
18 does not prohibit a public utility from doing inside wiring to install, alter, repair, or maintain electrical equipment,
19 installations, or facilities in buildings owned by the public utility if the work is accomplished by an employee who
20 is a licensed electrician. If the building owned by the public utility is open to the public and the inside wiring
21 constitutes major renovation or construction, the installation, alteration, repair, or maintenance of electrical
22 equipment, installations, or facilities is subject to the permits and inspections required by law.

23 (2) The licensing or inspection provisions of this chapter do not apply to regularly employed maintenance
24 electricians doing maintenance work on the business premises of their employer or to line work on the business
25 premises of the employer when ordinary and customary in-plant or onsite installations, modifications, additions,
26 or repairs are performed.

27 (3) This chapter does not require an individual to hold a license to perform electrical work on the
28 individual's own property or residence if the property or residence is maintained for the individual's own use.

29 (4) An individual, firm, partnership, or corporation may apply for licensure as an electrical contractor if
30 all electrical work performed by the individual, firm, partnership, or corporation is under the direction, control, and

1 supervision of a licensed master electrician or under the direction, control, and supervision of a licensed
2 journeyman electrician for residential construction consisting of less than five living units in a single structure.

3 (5) A person who plugs in an electrical appliance where an approved electrical outlet is already installed
4 may not be considered an installer.

5 (6) This chapter may not in any manner interfere with, hamper, preclude, or prohibit a vendor of any
6 electrical appliance from selling, delivering, and connecting any electrical appliance if the connection does not
7 necessitate the installation of electrical wiring of the structure in which the appliance is to be connected.

8 (7) (a) The licensing and inspection provisions of this chapter do not apply to an apprentice, as that term
9 is defined in 39-6-101, who is working under the supervision of a licensed electrician.

10 (b) Subsection (7)(a) includes an exemption for a person serving in an approved journeyman
11 apprenticeship program or a residential apprenticeship program during training if serving under the supervision
12 of a licensed electrician.

13 (8) The licensing provisions of this chapter do not apply to a student who is enrolled in a
14 preapprenticeship electrician training program offered by an accredited college or university recognized by the
15 board of regents if the student is undertaking class assignments in a classroom or a hands-on laboratory setting.
16 This subsection (8) does not authorize a student to engage in any electrical work that will be incorporated or used
17 in an occupied structure."

18

19 **Section 2.** Section 37-68-311, MCA, is amended to read:

20 **"37-68-311. Application fee -- license fee --~~specific exemption for apprentices.~~** (1) Master
21 electricians and journeyman or residential electricians installing or intending to install for hire electric wiring or
22 equipment to convey electric current or apparatus to be operated by electric current shall apply for a license to
23 the department. The application must be on a form furnished by the department and must be accompanied by
24 an application fee set by the board. The forms must state the applicant's full name and address, the extent of
25 work experience, and other information required by the board. If the applicant has complied with the rules adopted
26 by the board and, being qualified, has successfully completed the examination, the department shall issue the
27 proper license to the applicant.

28 ~~(2) A person serving in an approved journeyman apprenticeship program or a residential apprenticeship~~
29 ~~program under the supervision of a licensed electrician is exempt from the licensing provision of this section~~
30 ~~during training.~~

1 ~~(3)~~(2) In addition to the temporary permits authorized in 37-1-305, the board may, in accordance with
 2 criteria determined by the board, issue a second temporary practice permit for a person who fails the first license
 3 examination and who submits a temporary practice permit fee with a request for a second temporary practice
 4 permit to the board stating that the person intends to retake the license examination within 3 months of failing the
 5 first examination."
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7 **Section 3.** Section 37-69-102, MCA, is amended to read:

8 **"37-69-102. Permanent and temporary exceptions.** (1) Licensure is not required in the following
 9 instances of plumbing installation:

10 (a) when an owner of a single-family residence used exclusively for the owner's personal use installs
 11 all sanitary plumbing and potable water supply piping or when a mobile home dealer or a manufactured housing
 12 dealer connects a mobile home or a manufactured house to existing sanitary and potable water supply facilities
 13 as part of delivering and setting up a mobile home for a purchaser;

14 (b) in any mine, mill, smelter, refinery, or railroad;

15 (c) in a farm or ranch not connected to public water supply and sewage disposal systems. For the
 16 purposes of this subsection (1)(c), a "farm or ranch" means the same as in 39-3-402.

17 (d) in cities, towns, water districts, and water user associations extending, repairing, or replacing their
 18 own water and sewer mains;

19 (e) installation of water conditioner services in private dwellings;

20 (f) minor work by employees or agents of an appliance dealer incidental to the installation of an appliance
 21 purchased from the dealer;

22 (g) installation of a water meter by a qualified person appointed by the administrative authority of the
 23 water system; and

24 (h) in the case of a private water supply, installation of the pump, waterline, or pressure tank, regardless
 25 of whether the pump, waterline, or pressure tank is located inside or outside the structure being served;

26 (i) in the case of an apprentice, as that term is defined in 39-6-101, who is working under the supervision
 27 of a licensed plumber; and

28 (j) in the case of a student who is enrolled in a preapprenticeship plumbing training program offered by
 29 an accredited college or university recognized by the board of regents if the student is undertaking class
 30 assignments in a classroom or a hands-on laboratory setting. This subsection (1)(j) does not authorize a student

1 to engage in any plumbing work that will be incorporated or used in an occupied structure or connected to a
2 plumbing system where work must be performed by a licensed plumber.

3 (2) This chapter may not be construed to apply to or to affect plumbing installations in any mines, mills,
4 smelters, refineries, public utilities, railroads, or plumbing installations on farms or ranches not connected to public
5 water supply or sewage disposal systems.

6 (3) If a licensed person is not available, the council or commission of a county, city, or town or the board
7 of directors or managers of a water or sewer district or water utility may, by ordinance, rule, or resolution,
8 authorize an unlicensed person to perform plumbing work on a temporary basis if:

9 (a) the council, commission, or board of directors has provided reasonable notice by certified letter to
10 the board; and

11 (b) the board has approved the temporary authorization or has failed to respond to the certified letter
12 required under subsection (3)(a) within 30 days of the letter's postmark.

13 (4) The council, commission, board of directors, or board shall withdraw the temporary authorization
14 provided for in subsection (3) when a licensed person is reasonably available."
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16 NEW SECTION. Section 4. Repealer. The following sections of the Montana Code Annotated are
17 repealed:

18 37-68-303. Apprentice may work under licensed electrician -- record of apprentices.

19 37-69-302. Apprenticeship allowed.
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21 NEW SECTION. Section 5. Effective date. [This act] is effective July 1, 2015.
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