

HOUSE BILL NO. 80

INTRODUCED BY R. LYNCH

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

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING CERTAIN LICENSING BOARD LAWS; AMENDING FINES REGARDING PROOF OF LICENSE VIOLATIONS FOR THE STATE ELECTRICAL BOARD AND THE BOARD OF PLUMBING; CLARIFYING THE JURISDICTION OF THE STATE ELECTRICAL BOARD REGARDING LOW-VOLTAGE WORK; REVISING MINIMUM QUALIFICATIONS FOR JOURNEYMAN PLUMBER LICENSURE; AMENDING SECTIONS 37-68-103, 37-68-316, 37-69-304, AND 37-69-310, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 37-68-103, MCA, is amended to read:

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

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

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

(4) An individual, firm, partnership, or corporation may apply for licensure as an electrical contractor if 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) 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."

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11 **Section 2.** Section 37-68-316, MCA, is amended to read:

12 **"37-68-316. Citation and fine for failure to display license.** (1) A citation for failure to display an
13 electrician's license or proof of licensure issued by an employee of the department must include:

- 14 (a) the time and date on which the citation is issued;
- 15 (b) the name, address, mailing address, and signature of the person to whom the citation is issued;
- 16 (c) reference to the statutory authority to issue the citation;
- 17 (d) the name, title, affiliation, and signature of the person issuing the citation;
- 18 (e) information explaining the procedure for the person to follow in order to pay the fine or to demonstrate
19 proof of licensure; and
- 20 (f) the amount of the applicable fine.

21 (2) The applicable civil fines for failing to display a license or proof of licensure are as follows:

- 22 (a) \$100 for the first offense, unless the provisions of subsection (4)(b) apply;
- 23 (b) \$250 for the second offense; and
- 24 (c) \$500 for the third and any subsequent offense.

25 (3) Each day of violation constitutes a separate offense. The person issuing the citation is responsible
26 for determining, by means of an up-to-date list or through telephone or other communication with the board office,
27 whether the citation being issued is for a first, second, or subsequent offense.

28 (4) (a) The person who issues the citation is authorized to collect the fine, but the person who is issued
29 a citation may pay the fine to the appropriate authority identified on the citation within 5 business days of the date
30 of issuance.

1 **(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.

4 (5) A person who refuses to sign and accept a citation commits a misdemeanor, punishable in the same
 5 manner as provided in 37-1-318."

6
 7 **Section 3.** Section 37-69-304, MCA, is amended to read:

8 **"37-69-304. Qualifications of applicants for journeyman plumber's license -- restriction on**
 9 **authority.** (1) The following requirements must be met by applicants for a journeyman plumber's license:

10 (a) a specific record of 5 years of legally obtained experience in the field of plumbing. This experience
 11 requirement may be fulfilled by working 5 years in a major phase of the plumbing business, verified by time or
 12 pay records, or by completing an apprenticeship program meeting the standards set by the department or the
 13 United States department of labor, bureau of apprenticeship, or credit towards this experience requirement may
 14 be given for time spent attending an accredited trade or other school specializing in training of value in the field
 15 of plumbing and approved by the board.

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.

20 (2) A licensed journeyman plumber may perform work only in the employment of a licensed master
 21 plumber unless otherwise permitted by rule of the board."

22
 23 **Section 4.** Section 37-69-310, MCA, is amended to read:

24 **"37-69-310. Citation and fine for failure to display license.** (1) A citation for failure to display a
 25 plumber's license or proof of licensure issued by an employee of the department must include:

- 26 (a) the time and date on which the citation is issued;
 27 (b) the name, address, mailing address, and signature of the person to whom the citation is issued;
 28 (c) reference to the statutory authority to issue the citation;
 29 (d) the name, title, affiliation, and signature of the person issuing the citation;
 30 (e) information explaining the procedure for the person to follow in order to pay the fine or to demonstrate

1 proof of licensure; and

2 (f) the amount of the applicable fine.

3 (2) The applicable civil fines for failing to display a license or proof of licensure are as follows:

4 (a) \$100 for the first offense, unless the provisions of subsection (4)(b) apply;

5 (b) \$250 for the second offense; and

6 (c) \$500 for the third and any subsequent offense.

7 (3) Each day of violation constitutes a separate offense. The person issuing the citation is responsible
8 for determining, by means of an up-to-date list or through telephone or other communication with the board office,
9 whether the citation being issued is for a first, second, or subsequent offense.

10 (4) (a) The person who issues the citation is authorized to collect the fine, but the person who is issued
11 a citation may pay the fine to the board within 5 business days of the date of issuance.

12 (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.

15 (5) A person who refuses to sign and accept a citation commits a misdemeanor, punishable in the same
16 manner as provided in 37-1-318."

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18 NEW SECTION. Section 5. Effective date. [This act] is effective July 1, 2015.

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