



AN ACT GENERALLY REVISING PROFESSIONAL OCCUPATION AND LICENSING LAWS; PROVIDING THAT THE DEPARTMENT OF LABOR AND INDUSTRY MAY, WITH RESPECT TO CERTAIN LICENSING EXAMINATIONS, ALLOW THIRD PARTIES TO PROVIDE EXAMINATION AND GRADING SERVICES; REVISING EXAMINATION AND CERTIFICATE REQUIREMENTS FOR SANITARIANS; REVISING OUTFITTER LICENSES FOR CORPORATIONS, PROPRIETORSHIPS, AND PARTNERSHIPS; REVISING EDUCATION, CERTIFICATION, AND EXAMINATION REQUIREMENTS FOR PUBLIC ACCOUNTANTS; REVISING EXAMINATION REQUIREMENTS FOR REAL ESTATE BROKERS AND SALESPERSONS; REVISING APPLICATION, EXAMINATION, AND CERTIFICATION REQUIREMENTS FOR REAL ESTATE APPRAISERS; REVISING EXAMINATION REQUIREMENTS FOR ARCHITECTS; REVISING APPLICATION, FEE, AND EXAMINATION REQUIREMENTS FOR ENGINEERS AND LAND SURVEYORS; REVISING FEE AND EXAMINATION REQUIREMENTS FOR ELECTRICIANS; REVISING FEE AND EXAMINATION REQUIREMENTS FOR PLUMBERS; REVISING APPLICATION, FEE, AND LICENSE REQUIREMENTS FOR CONSTRUCTION BLASTERS; REVISING EXAMINATION AND FEE REQUIREMENTS FOR PERSONS OPERATING BOILERS AND STEAM ENGINES; REVISING EXAMINATION AND FEE REQUIREMENTS FOR PERSONS OPERATING HOISTING ENGINES; AMENDING SECTIONS 37-40-302, 37-47-304, 37-50-204, 37-50-305, 37-50-308, 37-50-309, 37-51-303, 37-54-105, 37-54-201, 37-54-302, 37-54-305, 37-65-303, 37-67-303, 37-67-311, 37-68-304, 37-68-305, 37-68-307, 37-68-311, 37-69-304, 37-69-305, 37-69-307, 37-72-303, 37-72-304, 37-72-305, 50-74-312, AND 50-76-104, MCA; AND REPEALING SECTIONS 37-54-304 AND 50-74-310, MCA.

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

Section 1. Section 37-40-302, MCA, is amended to read:

"37-40-302. Application -- examination -- certificate. (1) A person wishing to practice the profession of sanitarian may apply to the department for registration on a form prescribed by the board.

(2) An applicant must ~~possess~~ have a minimum of a bachelor's degree in environmental health or its equivalent from an accredited university or college and ~~must~~ shall pass a ~~written~~ an examination given at a time and place set by the board. The board shall establish procedures for examination and determination of passing

scores by rule.

(3) If the applicant meets the board's standards and passes the examination prescribed by the board, the department shall issue a certificate of registration ~~upon payment of the required fee.~~

(4) Holders of current certificates are entitled to append to their name the initials "R.S."

Section 2. Section 37-47-304, MCA, is amended to read:

"37-47-304. Application. (1) Each applicant for an outfitter's, guide's, or professional guide's license shall ~~make application~~ apply for a license on a form prescribed and furnished by the board.

(2) The application for an outfitter's license forms the basis for the outfitter's operations plan and must include:

(a) the applicant's full name, residence, address, conservation license number, driver's license number, birth date, physical description, and telephone number;

(b) the address of the applicant's principal place of business in the state of Montana;

(c) the amount and kind of property and equipment owned and used in the outfitting business of the applicant;

(d) the experience of the applicant, including:

(i) years of experience as an outfitter, guide, or professional guide;

(ii) the applicant's knowledge of areas in which the applicant has operated and intends to operate; and

(iii) the applicant's ability to cope with weather conditions and terrain;

(e) a signed statement of the licensed outfitter for each guide and professional guide to be employed or retained as an independent contractor, stating that the guide or professional guide is to be employed by the outfitter and stating that the outfitter recommends the guide or professional guide for licensure;

(f) an affidavit by the outfitter to the board that the equipment listed on the application is in fact owned or leased by the applicant, is in good operating condition, and is sufficient and satisfactory for the services advertised or contemplated to be performed by the applicant;

(g) a statement of the maximum number of participants to be accompanied at any one time;

(h) the written approval of the appropriate agency or landowner on whose lands the applicant will provide services or establish hunting camps; and

(i) the boundaries of the proposed operation, stating when applicable:

(i) the name and portion of river;

- (ii) the county of location;
- (iii) the legal owner of the property;
- (iv) the name of the ranch;
- (v) the proposed service, including the type of game sought;
- (vi) the name of the agency granting use authority; and
- (vii) other means of identifying boundaries as established by board rule.

(3) Applications for an outfitter's license must be in the name of an individual person only. Applications involving corporations, proprietorships, or partnerships must be made by one individual person who qualifies under the provisions of this part. A license issued pursuant to this part must be in the name of that person. ~~The license must specifically state that the license is issued for the use and benefit of the named corporation, proprietorship, or partnership involved.~~ Any revocation or suspension of a license is binding upon the individual person and the corporation, proprietorship, or partnership for the use and benefit of which the license was originally issued.

(4) Application must be made to and filed with the board.

(5) Only one application for an outfitter's license may be made in any license year. If an application is denied, subsequent applications by the same applicant for the license year involved are void, except as provided in 37-47-308."

Section 3. Section 37-50-204, MCA, is amended to read:

"37-50-204. Rulemaking powers relating to reexaminations examinations. The board ~~shall have power to prescribe by uniform rule~~ may adopt rules for the following:

(1) ~~the terms and conditions under which a candidate who passes one or more subjects of examination may be reexamined in only the remaining subjects, with credit for the subjects previously passed~~ shall obtain credit for passing the required examination or portions of the examination;

(2) ~~a reasonable waiting period for a candidate's reexamination in a subject he has failed~~ the period of time that candidates are allowed to apply for reexamination; and

~~(3) the maximum number of reexaminations for which a candidate may apply;~~

~~(4)(3) the fees to be charged each candidate for initial examinations and special examinations, which shall must be commensurate with costs. With respect to reexaminations, a fee commensurate with costs may be charged for each subject in which the candidate is reexamined."~~

Section 4. Section 37-50-305, MCA, is amended to read:

"37-50-305. Education requirements. (1) ~~Prior to July 1, 1997, a candidate for certification as a certified public accountant or licensing as a licensed public accountant must have graduated from a college or university accredited to offer a baccalaureate degree:~~

~~—— (a) with a concentration in accounting; or~~

~~—— (b) with a concentration other than accounting if supplemented by experience or by related courses in other areas of business administration and the board determines that an equivalent education has been achieved.~~

~~—— (2) Beginning July 1, 1997, a A candidate for initial certification as a certified public accountant or licensing as a licensed public accountant must have graduated from a college or university accredited to offer a baccalaureate degree:~~

~~(a) with an accounting concentration or its equivalent as determined by the board; and~~

~~(b) with at least 150 semester hours of credit, including those earned toward the baccalaureate degree or its equivalent.~~

~~(2) For the purposes of this section, "initial certification" means that the candidate has never been certified as a certified public accountant or licensed as a licensed public accountant by any jurisdiction.~~

Section 5. Section 37-50-308, MCA, is amended to read:

"37-50-308. Examination. Except as provided in 37-1-101(4), the department shall ~~administer~~ provide ~~for an examination in accounting, auditing, and related subjects as the board determines~~ considers appropriate. The grade determination of the board is final in each case. The ~~department on behalf of the board may use the examination and grading services of the American institute of certified public accountants or other~~ contract with third parties to ~~perform~~ provide the examination and administrative services related to the examination. ~~The examination must be held at least annually and at other times as applications warrant.~~ The board may ~~determine the time and place of examination and may~~ adopt rules necessary for the orderly conduct of the examination."

Section 6. Section 37-50-309, MCA, is amended to read:

"37-50-309. Credit for examinations taken in other ~~states~~ jurisdictions. The board may by rule provide for granting credit to a candidate for ~~his~~ the satisfactory completion of ~~a written~~ an examination in any one or more of the subjects of examination given by the licensing authority in another ~~state~~ jurisdiction. ~~These rules shall include requirements the board determines appropriate in order that an examination approved as a basis~~

for credit is, in the judgment of the board, at least as thorough as that included in the examination given in this state at the time the credit originally was granted by the other state for passing the examination."

Section 7. Section 37-51-303, MCA, is amended to read:

"37-51-303. Broker or salesperson examination. (1) In addition to proof of honesty, trustworthiness, and good reputation, an applicant whose application is ~~then~~ pending shall satisfactorily pass ~~a written~~ an examination ~~prepared~~ prescribed by or under the supervision of the board. The examination ~~shall~~ must be given at least once each 6 months and at places within the state that the board prescribes.

(2) (a) The examination for a salesperson's license ~~shall~~ must include: subject portions that the board determines by rule to be appropriate.

~~(i) business ethics, writing, composition, arithmetic, elementary principles of land economics and appraisal;~~

~~—— (ii) a general knowledge of the statutes of this state relating to deeds, mortgages, contracts of sale, agency, brokerage, and of this chapter.~~

(b) If the applicant passes one subject portion of the examination, ~~(2)(a)(i) or (2)(a)(ii), he shall not be~~ the applicant is not required to repeat that portion of the examination if ~~he~~ the applicant passes the remaining portion within 12 months.

(3) The examination for a broker's license ~~shall~~ must be of a more exacting nature and scope and more stringent than the examination for a salesperson's license."

Section 8. Section 37-54-105, MCA, is amended to read:

"37-54-105. Powers and duties of board. The board shall:

(1) adopt rules to implement and administer the provisions of this chapter;

(2) establish and collect fees commensurate with the costs of processing an application for licensure and certification and renewal of a license or certificate;

(3) establish minimum requirements for education, experience, and examination for licensure and certification as set out by the appraisal qualification board of the appraisal foundation;

(4) ~~receive applications for examination from qualified applicants, prescribe and administer examinations to qualified applicants~~ prescribe the examinations for licensure or certification; and determine the acceptable level of performance on examinations;

- (5) receive and review applications for licensure and certification and issue licenses and certificates;
- (6) review periodically the standards for development and communication of appraisals and adopt rules explaining and interpreting the standards;
- (7) retain all applications and other records submitted to it;
- (8) adopt by rule standards of professional appraisal practice in this state;
- (9) reprimand, suspend, revoke, or refuse to renew the license or certificate of a person who has violated the standards established for licensed and certified real estate appraisers; and
- (10) perform other duties necessary to implement this chapter."

Section 9. Section 37-54-201, MCA, is amended to read:

"37-54-201. Real estate appraiser license -- scope and display of license. (1) Upon proof that an applicant meets the qualifications set out in 37-54-202 ~~and upon payment of license fees adopted under 37-54-105,~~ the board shall issue to the applicant a real estate appraiser license.

(2) The term "licensed real estate appraiser" may not be used to describe a firm, partnership, corporation, group, or anyone other than an individual licensee. However, a licensed real estate appraiser may engage in real estate appraisal as a professional corporation.

(3) This chapter does not preclude a person who is not a licensed or certified real estate appraiser from appraising real property for transactions not related to a federal agency or project for compensation, ~~provided that~~ if the person does not purport to be a licensed or certified real estate appraiser. A person who purports that the person or the person's company is licensed under this section or certified under 37-54-302 ~~through 37-54-304 and 37-54-303~~ without possessing the applicable license or certificate is guilty of a misdemeanor.

(4) This section does not:

(a) prohibit a person who is licensed to practice in this state under any law from engaging in the practice for which the person is licensed;

(b) apply to public officials in the conduct of their official duties that are not governed by the rules established by the federal financial institutions examination council agencies.

(5) A licensed or certified real estate appraiser is subject to restrictions on the scope of practice, depending on the value and complexity of the federally related transaction or transactions pursuant to rules established by the federal financial institutions examination council agencies, and the restrictions must remain current with any changes in those rules.

(6) A licensed real estate appraiser shall conspicuously display the license in the appraiser's principal place of business."

Section 10. Section 37-54-302, MCA, is amended to read:

"37-54-302. Certification process -- fees. (1) An application ~~for examination~~ for certification, original certification, or renewal of certification must be made in writing to the board on forms approved by the board.

(2) A fee established by the board by rule must accompany the application.

(3) When an applicant files an application for original certification or renewal of certification, the applicant shall sign a pledge to comply with the standards of professional appraisal practice established for certified real estate appraisers under 37-54-403 and affirm that the applicant understands the types of misconduct for which disciplinary action may be initiated under 37-1-308.

(4) To be eligible for original certification as a real estate appraiser, an applicant shall:

(a) specify the class or classes of certification for which the applicant is applying and provide evidence satisfactory to the board that the applicant has the education required for the class or classes of certification for which application is made; and

(b) pass an examination prescribed by the board.

(5) A certificate issued under 37-54-305 must bear the signatures or facsimile signatures of the members of the board and a certificate number assigned by the board."

Section 11. Section 37-54-305, MCA, is amended to read:

"37-54-305. Issuance and display of certificate. (1) The board shall issue a certificate and a pocket card to a person who meets the requirements of 37-54-302 ~~through 37-54-304~~ and 37-54-303.

(2) The certificate must include the dates of issuance and renewal of certification.

(3) A certified real estate appraiser shall conspicuously display the certificate in the appraiser's principal place of business.

(4) A certified real estate appraiser shall designate the class for which the appraiser is certified and place the certificate number on each appraisal report, contract, or other instrument that the appraiser uses in conducting real estate appraisal activities."

Section 12. Section 37-65-303, MCA, is amended to read:

"37-65-303. Application -- examination -- issuance of license. (1) A person wishing to practice architecture in this state shall apply to the department for a license. A person applying must have successfully completed the requirement of prerequisites in education and practical experience and ~~a written~~ an examination as prescribed by the board. The examination must be in substantial conformance with the standard national council of architectural registration boards examination and grading procedure, except as modified by board rules.

(2) After examination, the department shall, if the candidate has been found qualified, grant a license to the candidate to practice architecture in this state, ~~which may be granted only on the consent of not less than two members of the board.~~"

Section 13. Section 37-67-303, MCA, is amended to read:

"37-67-303. Application -- contents -- fees. (1) Applications for licensure must be on forms prescribed by the board and furnished by the department, must contain statements made under oath showing the applicant's education and a detailed summary of the applicant's technical work, and must contain the required references.

(2) The application fee for an engineer intern is as prescribed by the board; and must accompany the application, ~~and must include the cost of one examination.~~ An additional fee is not required for the issuance of a certificate.

(3) The application fee for licensure as a professional engineer is as prescribed by the board for those holding an engineer intern certificate validated for Montana. For those holding a valid engineer intern certificate from some other state, the application fee is as prescribed by the board, which includes the cost of verification of engineer intern certification or licensure ~~and one examination.~~ Upon approval of an application for licensure and passage of the required examination as a professional engineer, ~~an additional fee equal to the existing renewal fee must be paid before the issuance of~~ the department shall issue a license as a professional engineer.

(4) The department, subject to approval by the board, may, on approval of the application; and payment of a an application fee as prescribed by the board, ~~and payment of an additional fee equal to the appropriate renewal fee;~~ issue a license as a professional engineer to a person who holds a certificate of qualification or licensure issued to the person by the committee on national engineering certification of the national council of examiners for engineering and surveying or by a state, territory, or possession of the United States or by another country if the applicant's qualifications meet the requirements of this chapter and the rules of the board.

(5) The application fee for a land surveyor intern is as prescribed by the board, ~~which~~ and must accompany the application ~~and must include the cost of one examination.~~ An additional fee is not required for

issuance of a certificate.

(6) The application fee for licensure as a professional land surveyor is as prescribed by the board for those holding a land surveyor intern certificate validated in Montana. For those holding a valid land surveyor intern certificate from some other state, the application fee is as prescribed by the board, which includes cost of verification of the certification. Upon approval of an application for licensure as a professional land surveyor and passage of the required examination, ~~an additional fee equal to the existing renewal fee must be paid before the issuance of the department shall issue~~ a license as a professional land surveyor.

(7) The application fee for licensure as both a professional engineer and professional land surveyor is as prescribed by the board for those holding engineer intern and land surveyor intern certificates validated in Montana. For those holding valid engineer intern and land surveyor intern certificates from another jurisdiction, the application fee is as prescribed by the board. The fee must accompany the application. Upon approval of an application for licensure as a professional engineer and professional land surveyor and passage of the required examinations, ~~an additional fee equal to the existing renewal fee must be paid before the issuance of the department shall issue~~ a license.

(8) If the board denies the issuance of a license to any applicant, the initial fee deposited must be retained as an application fee."

Section 14. Section 37-67-311, MCA, is amended to read:

"37-67-311. Examinations -- fees -- third-party services. Examination requirements are as follows:

(1) The examinations must be held at times and places that the board directs. The board shall determine the acceptable grade on examinations.

(2) The board shall determine by rule the fees to be charged an applicant for each examination and reexamination. The fees must be commensurate with costs.

(3) The board may use a third party to provide examination and grading services.

~~(2)(4) Written examinations~~ Examinations may be taken only after the applicant has met the other minimum requirements as provided in 37-67-305 through 37-67-310 and has been approved by the board for admission to the examinations as follows:

(a) The examination on engineering fundamentals consists of an 8-hour examination. Passing the examination qualifies the examinee for an engineer intern certificate if the examinee has met all other requirements for certification required by this chapter.

(b) The examination on principles and practice of engineering consists of an 8-hour examination on applied engineering. Passing this examination qualifies the examinee for licensure as a professional engineer if the examinee has met the other requirements for licensure required by this chapter.

(c) The examinations for land surveyor intern consist of two 4-hour examinations, designated as parts I and II, on the basic disciplines of land surveying. Passing these examinations qualifies the examinee for a land surveyor intern certificate if the examinee has met all other requirements for certification required by this chapter.

(d) The requirements and examinations for professional land surveyor consist of being a land surveyor intern, two examinations, designated as parts III and IV, on the applied disciplines of land surveying, and an examination specifically related to land surveying in Montana. Passing these examinations qualifies the examinee for licensure as a professional land surveyor if the examinee has met the other requirements for licensure required by this chapter.

~~(3) A candidate failing one examination may apply for reexamination, which may be granted upon payment of a fee established by the board. Before readmission to the examination in the event of a second failure, the examinee shall wait 1 year before a third examination.~~

~~(4) A candidate failing three examinations may not be allowed readmission to the examination. The candidate may apply for a special circumstance waiver from the board to be readmitted to the examination."~~

Section 15. Section 37-68-304, MCA, is amended to read:

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

(1) An applicant for a master electrician's license shall furnish written evidence ~~that he is~~ of being a graduate electrical engineer of an accredited college or university and ~~has~~ of having 1 year of practical electrical experience or that ~~he~~ the applicant is a graduate of an electrical trade school and has at least 4 years of practical experience in electrical work or ~~that he~~ has had at least 5 ~~years'~~ years of practical experience in planning, laying out, or supervising the installation and repair of wiring, apparatus, or equipment for electrical light, heat, and power.

(2) Applicants for license as a master electrician shall file an application on forms prescribed by the board and furnished by the department, ~~together with the examination fee.~~ The board shall, not less than 30 days prior to a scheduled ~~written~~ examination, notify each applicant that the evidence submitted with ~~his~~ the applicant's application is sufficient to qualify ~~him~~ to take the ~~written~~ examination or that the evidence is insufficient and is rejected. If the application is rejected, the board shall set forth the reasons in the notice to the applicant ~~and shall authorize the department to return the applicant's examination fee.~~ The place of examinations shall must be

designated by the board, and examinations ~~shall~~ must be held at least once a year and at other times as, in the opinion of the board, the number of applicants warrants.

(3) The ~~written~~ examination ~~shall~~ must consist of at least 30 questions designed to fairly test the applicant's knowledge and ~~his~~ the applicant's technical application ~~in the following subjects:~~ the following subjects:

- (a) the national electric code;
- (b) cost estimating for electrical installments;
- (c) procurement and handling of materials needed for electrical installations and repair;
- (d) reading blueprints for electrical work;
- (e) drafting and layout of electrical circuits; and
- (f) knowledge of practical electrical theory.

- ~~(a) the national electrical code;~~
- ~~(b) cost estimating for electrical installments;~~
- ~~(c) procurement and handling of materials needed for electrical installations and repair;~~
- ~~(d) reading of blueprints for electrical work;~~
- ~~(e) drafting and layout of electrical circuits;~~
- ~~(f) knowledge of practical electrical theory.~~

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

Section 16. Section 37-68-305, MCA, is amended to read:

"37-68-305. Journeyman and residential electricians -- application -- qualifications -- contents of examination. (1) An applicant for a journeyman electrician's license shall furnish written evidence ~~that he has had of~~ at least 4 years' apprenticeship in the electrical trade or 4 years' practical experience in the wiring for, installing, and repairing of electrical apparatus and equipment for light, heat, and power. Applications for license and notice to the applicant ~~shall~~ must be made and given as in the case of master electricians' licenses. The ~~written~~ examination for a journeyman's license ~~shall~~ must consist of at least 30 questions designed to fairly test the applicant's knowledge and the applicant's technical application ~~thereof in the following subjects:~~ in the following subjects:

- (a) the Ohm's law;
- (b) the national electric code; and

(c) layout and practical installation of electrical circuits.

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

~~———— (b) the national electrical code;~~

~~———— (c) layout and practical installation of electrical circuits.~~

(2) An applicant for a residential electrician's license shall furnish written evidence ~~that he has had of~~ at least 2 years' apprenticeship in the electrical trade or 2 years' practical experience in the wiring for, installing, and repairing of electrical apparatus and equipment for light, heat, and power in residential construction consisting of less than five living units in a single structure. Application for license and notice to the applicant ~~is~~ must be made and given as in the case of master electricians' licenses. The ~~written~~ examination for a residential electrician's license ~~consists~~ must consist of at least 30 questions designed to fairly test the applicant's knowledge and the applicant's technical application thereof in the following subjects: ~~in the following subjects:~~

(a) the Ohm's law;

(b) the national electric code; and

(c) layout and practical installation of electrical circuits.

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

~~———— (b) the national electrical code;~~

~~———— (c) layout and practical installation of electrical circuits in residential construction consisting of less than five living units in a single structure."~~

Section 17. Section 37-68-307, MCA, is amended to read:

"37-68-307. Examination procedure -- third-party services -- issuance of master, journeyman, or residential electrician's license -- expiration. (1) To ensure impartiality, the examination for either the residential, master's, or journeyman's license must be ~~by numbers drawn by lot. A paper may not be marked with the name of an applicant, but must be anonymously graded~~ administered by the department. The department may use a third party to provide examination and grading services. The examination passing grade is 75%.

(2) If it is determined that the applicant has passed the examination, the department, ~~on payment by the applicant of the fee,~~ shall issue to the applicant a license that authorizes the licensee to engage in the business, trade, or calling of a residential electrician, journeyman electrician, or master electrician.

(3) ~~Unless otherwise provided by rules established by the department, each original license expires on a July 15 that~~ Each original license expires on the renewal date established by the department by rule if it is not

more than 3 years ~~subsequent to~~ after the date of issuance."

Section 18. Section 37-68-311, MCA, is amended to read:

"37-68-311. Examination Application fee -- license fee -- specific exemption for apprentices. (1)

Master electricians and journeyman or residential electricians installing or intending to install for hire electric wiring or equipment to convey electric current or apparatus to be operated by ~~this electric~~ electric current shall ~~make application~~ apply for a license to the department. The application must be on a form furnished by the department and must be accompanied by an ~~examination~~ application fee set by the board. The forms must state the applicant's full name and address, the extent of work experience, and other information required by the board. If the applicant has complied with the rules adopted by the board and, being qualified, has successfully completed the examination, ~~the applicant shall pay to the department a license fee set by the board for a master electrician's license or for a journeyman or a residential electrician's license, and upon receipt of the fee~~ the department shall issue the proper license to the applicant.

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

(3) In addition to the temporary permits authorized in 37-1-305, the board may, on a case-by-case basis at the board's discretion and in accordance with criteria determined by the board, renew a temporary practice permit for a person who fails the first license examination for which the person is eligible but who submits a temporary practice permit renewal application to the board stating that the person intends to retake the license examination on the next available date."

Section 19. Section 37-69-304, MCA, is amended to read:

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

(a) a specific record of 5 years' experience in the field of plumbing of a character satisfactory to the board. This experience requirement may be fulfilled by working 5 years in a major phase of the plumbing business, verified by time or pay records, or by completing an apprenticeship program meeting the standards set

by the department of labor and industry or the United States department of labor, bureau of apprenticeship, or credit towards this experience requirement may be given for time spent attending an accredited trade or other school specializing in training of value in the field of plumbing and approved by the board.

(b) satisfactory completion of an examination conducted by the department, subject to 37-1-101(4), testing the applicant's knowledge of techniques and methods employed in the field of plumbing ~~and establishing by practical demonstration his competence in the special skills required in the field of plumbing~~ and establishing by practical demonstration competence in the special skills required in the field of plumbing.

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

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

(4) The department may use a third party to provide examination and grading services."

Section 20. Section 37-69-305, MCA, is amended to read:

"37-69-305. Qualifications of applicants for master plumber's license -- restriction on authority -- fees -- third-party services. (1) The following requirements must be met by an applicant for a master plumber's license:

(a) evidence of 4 years' experience as a licensed journeyman plumber in the field of plumbing, verified by time or pay records of actual plumbing experience;

(b) evidence of 3 years' experience working with a licensed master plumber or in a supervisory capacity in the field of plumbing, which may run concurrently with the requirement in subsection (1)(a); and

(c) satisfactory completion of an examination for master plumbers testing ~~his~~ the applicant's knowledge of the field of plumbing and demonstrating ~~his~~ skill and ability in the field of plumbing.

(2) For purposes of subsection (1), a year's experience is 1,500 hours or more of work in a continuous 12-month period.

(3) A master plumber may not allow ~~his~~ the master plumber's license to be used by any person or firm, corporation, or business other than ~~his~~ the master plumber's own for the purpose of obtaining permits or for doing plumbing work under ~~his~~ the license.

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

(5) The department may use a third party to provide examination and grading services."

Section 21. Section 37-69-307, MCA, is amended to read:

"37-69-307. Examination fee and renewal fee Renewal fees. ~~(1) An applicant for a master plumber's license may not submit to the examinations prescribed by the board until the applicant has deposited with the department an examination fee prescribed by the board, and an applicant for a journeyman plumber's license may not submit to the examination prescribed by the board until the applicant has deposited with the department an examination fee as prescribed by the board.~~

~~————(2) A license when issued expires on the date established by rule of the department. A license issued to a master plumber or a journeyman plumber may be renewed without examination, at any time prior to its expiration, by a written request for its renewal directed to the department and the payment of a fee as set by the board for renewal of a master plumber's license or a fee as set by the board for renewal of a journeyman plumber's license. Renewal is for the period established by the department by rule.~~

~~————(3) Fees prescribed by the board pursuant to this section must be reasonably related to the costs incurred by the board in carrying out its respective functions."~~

Section 22. Section 37-72-303, MCA, is amended to read:

"37-72-303. Licensure by examination -- fee -- third parties. (1) The department shall, at least once a year, administer an examination to applicants meeting the requirements of 37-72-301 and 37-72-302 and the rules adopted by the department. The department shall determine the subjects, scope, and acceptable level of performance for all examinations. The examination may be written, oral, or both. The examination ~~shall~~ must at a minimum test the applicant's knowledge of the rules of the department governing construction blasting.

~~(2) An applicant for licensure by examination shall pay an examination fee to the department. The department shall determine by rule the fees to be charged an applicant for each examination and reexamination. The fees must be commensurate with costs.~~

(3) The department may use a third party to perform examination and grading services.

~~(3)(4) An applicant for a license who has previously taken and failed the examination required by this section may retake it at any time within 2 years without again furnishing proof of compliance with 37-72-302, upon payment to the department of a reexamination fee."~~

Section 23. Section 37-72-304, MCA, is amended to read:

"37-72-304. Issuance of license -- fee. ~~Upon receipt of a license fee, the~~ The department shall issue a license to each person who meets the requirements for licensure as prescribed in this chapter. The license must include the dates of issuance and expiration and a serial number. ~~It must be signed by the department."~~

Section 24. Section 37-72-305, MCA, is amended to read:

"37-72-305. Licensure of persons licensed by other jurisdictions. Upon receipt of ~~a license~~ an application and application fee, the department shall issue a license to any person fulfilling the requirements of 37-72-301(2)(a) through (2)(d) who holds a certificate, license, or permit, issued by another state or any agency of the United States, allowing ~~him~~ the person to supervise or engage in the practice of construction blasting if the department finds that the certificate, license, or permit was issued upon the satisfactory completion of requirements substantially equivalent to the requirements of 37-72-301 through 37-72-303."

Section 25. Examinations -- fees -- third parties. (1) The department shall administer the engineer examinations at least once every 3 months at places within the state as determined by the department.

(2) The department shall determine the fees to be charged an applicant for each examination and reexamination. The fees must be commensurate with costs.

(3) The department may use a third party to provide examination and grading services.

Section 26. Section 50-74-312, MCA, is amended to read:

"50-74-312. Review of license rejection. (1) An applicant for a license under the provisions of this chapter whose application has been rejected may, within 45 days after the date of the rejection, set forth in writing any arguments opposing the rejection and request a review by the department. The request must be addressed to the department and must be signed by the applicant.

(2) Within 2 days after receiving the request, the department shall notify the applicant in writing that on a certain day, not less than 5 days or more than 30 days after receipt of the written request, the department shall review and evaluate the application and any arguments opposing the rejection of the license application.

(3) The applicant may appear in person at the review. At least 2 days before the day set for the review, the applicant may designate in writing to the department of labor and industry the name of an engineer holding a valid license of equal or higher grade than the one applied for, and the engineer may testify on behalf of the

applicant at the review.

(4) After the review, if the department of labor and industry determines that the applicant is entitled to the license, the department shall issue the license. If the department affirms the decision to not issue the license, the applicant is required to reapply to take the license examination, as provided in 50-74-309 ~~through~~ and 50-74-311, and may not take the examination within 45 days of the final decision to not issue the license."

Section 27. Section 50-76-104, MCA, is amended to read:

"50-76-104. Application, examination, and fee for license. (1) Application for licenses must be made to the department and submitted with the appropriate fee that is set commensurate with the cost of administering this program, to be deposited in the state special revenue fund for use by the department.

(2) The department shall determine by rule the fees to be charged an applicant for each examination and reexamination. The fees must be commensurate with costs.

(3) The department may use a third party to perform examination and grading services."

Section 28. Repealer. Sections 37-54-304 and 50-74-310, MCA, are repealed.

Section 29. Codification instruction. [Section 25] is intended to be codified as an integral part of Title 50, chapter 74, and the provisions of Title 50, chapter 74, apply to [section 25].

- END -

I hereby certify that the within bill,
HB 0174, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2019.

President of the Senate

Signed this _____ day
of _____, 2019.

HOUSE BILL NO. 174

INTRODUCED BY B. THOMAS

BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY

AN ACT GENERALLY REVISING PROFESSIONAL OCCUPATION AND LICENSING LAWS; PROVIDING THAT THE DEPARTMENT OF LABOR AND INDUSTRY MAY, WITH RESPECT TO CERTAIN LICENSING EXAMINATIONS, ALLOW THIRD PARTIES TO PROVIDE EXAMINATION AND GRADING SERVICES; REVISING EXAMINATION AND CERTIFICATE REQUIREMENTS FOR SANITARIANS; REVISING OUTFITTER LICENSES FOR CORPORATIONS, PROPRIETORSHIPS, AND PARTNERSHIPS; REVISING EDUCATION, CERTIFICATION, AND EXAMINATION REQUIREMENTS FOR PUBLIC ACCOUNTANTS; REVISING EXAMINATION REQUIREMENTS FOR REAL ESTATE BROKERS AND SALESPERSONS; REVISING APPLICATION, EXAMINATION, AND CERTIFICATION REQUIREMENTS FOR REAL ESTATE APPRAISERS; REVISING EXAMINATION REQUIREMENTS FOR ARCHITECTS; REVISING APPLICATION, FEE, AND EXAMINATION REQUIREMENTS FOR ENGINEERS AND LAND SURVEYORS; REVISING FEE AND EXAMINATION REQUIREMENTS FOR ELECTRICIANS; REVISING FEE AND EXAMINATION REQUIREMENTS FOR PLUMBERS; REVISING APPLICATION, FEE, AND LICENSE REQUIREMENTS FOR CONSTRUCTION BLASTERS; REVISING EXAMINATION AND FEE REQUIREMENTS FOR PERSONS OPERATING BOILERS AND STEAM ENGINES; REVISING EXAMINATION AND FEE REQUIREMENTS FOR PERSONS OPERATING HOISTING ENGINES; AMENDING SECTIONS 37-40-302, 37-47-304, 37-50-204, 37-50-305, 37-50-308, 37-50-309, 37-51-303, 37-54-105, 37-54-201, 37-54-302, 37-54-305, 37-65-303, 37-67-303, 37-67-311, 37-68-304, 37-68-305, 37-68-307, 37-68-311, 37-69-304, 37-69-305, 37-69-307, 37-72-303, 37-72-304, 37-72-305, 50-74-312, AND 50-76-104, MCA; AND REPEALING SECTIONS 37-54-304 AND 50-74-310, MCA.

