

1 \_\_\_\_\_ BILL NO. \_\_\_\_\_

2 INTRODUCED BY \_\_\_\_\_  
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT REMOVING THE ANTICOMPETITIVE REQUIREMENT TO  
5 ATTEST TO THE SKILLS OF LICENSED JOURNEYMAN PLUMBERS AND APPRENTICES; AMENDING  
6 SECTIONS 37-69-304, 37-69-305, AND 37-69-323, MCA; AND PROVIDING AN EFFECTIVE DATE."

7  
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9  
10 **Section 1.** Section 37-69-304, MCA, is amended to read:

11 **"37-69-304. Qualifications of applicants for journeyman plumber's license -- restriction on**  
12 **authority.** (1) The following requirements must be met by applicants for a journeyman plumber's license:

13 (a) a specific record of 5 years of legally obtained experience in the field of plumbing ~~with an~~  
14 ~~attestation of skill by a supervising master plumber.~~ This experience requirement may be fulfilled by:

15 (i) working 5 years in a major phase of the plumbing business, verified by time or pay records, ~~and the~~  
16 ~~attestation of a supervising master plumber;~~ or

17 (ii) completing an apprenticeship program meeting the standards set by the department or the United  
18 States department of labor, bureau of apprenticeship. Credit toward this experience requirement may be given  
19 for time spent attending an accredited trade or other school specializing in training of value in the field of  
20 plumbing and approved by the board.

21 (b) satisfactory completion of a written examination prescribed by the board and conducted by the  
22 department, subject to 37-1-101(4), testing the applicant's knowledge of techniques and methods employed in  
23 the field of plumbing and, if required by the board, a practical demonstration establishing competence in the  
24 special skills required in the field of plumbing.

25 (2) A licensed journeyman plumber may perform work only in the employment of a licensed master  
26 plumber unless otherwise permitted by rule of the board. Performing work in the employment of a licensed  
27 master plumber means the licensed master plumber shall observe the journeyman plumber's work at different  
28 times over the course of employment and for different levels of plumbing work. ~~The board shall define the~~

1 ~~periods and the levels for which the master plumber shall attest the journeyman plumber's skills, as provided in~~  
2 ~~subsection (1)."~~

3

4 **Section 2.** Section 37-69-305, MCA, is amended to read:

5 **"37-69-305. Qualifications of applicants for master plumber's license -- restriction on authority.**

6 (1) The following requirements must be met by an applicant for a master plumber's license:

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

9 (b) evidence of 3 years of experience, which may run concurrently with the requirement in subsection

10 (1)(a):

11 (i) ~~working with a licensed master plumber who has personally observed the applicant over a period~~  
12 ~~specified by the board by rule and during application of plumbing skill levels, as determined by the board by~~  
13 ~~rule; or~~

14 (ii) in a supervisory capacity in the field of plumbing; and

15 (c) satisfactory completion of an examination prescribed by the board for master plumbers testing the  
16 applicant's knowledge of the field of plumbing and demonstrating skill and ability in the field of plumbing.

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

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

22

23 **Section 3.** Section 37-69-323, MCA, is amended to read:

24 **"37-69-323. Restrictions on and responsibility for employees of master plumber.** A licensed

25 master plumber may employ only apprentice plumbers registered with the state department of labor and

26 industry and only journeyman plumbers who are licensed by the state of Montana. A master plumber is

27 responsible for ensuring that all work performed by the journeyman plumber or apprentice employed by the

28 licensed master plumber is in compliance with the state plumbing code. The licensed master plumber may be

1 charged with unprofessional conduct under 37-1-316 and held liable for false swearing, as provided in 45-7-  
2 202, if the licensed master plumber provides ~~an assurance but has not personally observed a portion of the~~  
3 ~~plumbing work performed by the employed journeyman plumber or apprentice. The board shall provide by rule~~  
4 ~~what portion of the plumbing work must be personally observed by the licensed master plumber~~ false  
5 information to the department related to the experience or skill of a journeyman plumber or apprentice."

6

7 NEW SECTION. **Section 4. Effective date.** [This act] is effective July 1, 2021.

8

- END -