

Plumbers—Qualifications of—License.

Sections 5183 to 5193 of the Revised Codes of 1921 construed to authorize an individual to engage in the plumbing business without being qualified as a master plumber, providing that he employs a duly licensed master plumber and duly licensed journeymen plumbers to do the work.

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My dear Mr. Baker:

I have a letter from Dr. T. H. Pleasants, Secretary of the Department of Health of your county, in which he asked whether an individual can engage in the plumbing business in its wide sense, without being first qualified as a master plumber, when he employs legally qualified and licensed journeymen plumbers.

The statute relating to the granting of licenses to plumbers is found in Section 5183 to 5193, inclusive, of the Revised Codes of 1921.

Section 5183 provides as follows:

"Any person working at the business of plumbing, in any incorporated city or town in this state containing more than three thousand inhabitants, either as a master plumber or as a journeyman plumber, shall first secure a license as hereinafter provided."

In Section 5186 it is provided, in part, as follows:

"In the case of a firm or corporation, the examination and issuing of a license to any one member of the firm, or to the manager of the corporation, shall satisfy the requirements of this act as to master plumbers, but not as to journey-

men plumbers; provided, however, that no person shall do the work of a master plumber unless licensed as provided for in this act."

It is apparent from Section 5186 that the Legislature intended to permit several persons to form a partnership or corporation for the purpose of conducting a plumbing business, and to require only one member of the firm to have a license as a master plumber.

Upon a reading of the statutes as a whole, I am of the opinion that an individual may conduct a plumbing business in this State without being personally licensed as a master plumber or journeyman plumber, providing that he employs a duly licensed master plumber and duly licensed journeymen plumbers to do the actual work. A person may not, however, do the actual physical work of a master plumber without a license, but I believe he can conduct the business generally through a duly qualified master plumber.

Any other conclusion would render the statute unconstitutional as discriminating between individuals and corporations.

Aaroe v. Crosby, (Cal.) 192 Pac. 97;
Mayor et al. of the City of Vicksburg v. Mullane, (Miss.)
63 So. 412, 50 L. R. A. (N. S.) 421;
Bittenhaus v. Johnson, 92 Wis. 588, 596, 66 N. W. 805;
State v. Gardner, 58 Ohio St. 599, 51 N. E. 136;
Henry v. Campbell, 133 Ga. 882, 27 L. R. A. (N. S.) 283.

Very truly yours,

WELLINGTON D. RANKIN,
Attorney General.