

1 House BILL NO. 648
 2 INTRODUCED BY Lynch City Recurrent
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY UPDATE AND
 5 REVISE LAWS RELATING TO LICENSURE OF PLUMBERS; AMENDING
 6 SECTIONS 66-2401, 66-2401.1, 66-2402, 66-2403, 66-2404,
 7 66-2406, 66-2411, 66-2415, 66-2416, 66-2419, 66-2420, AND
 8 66-2426, R.C.M. 1947."

9
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 66-2401, R.C.M. 1947, is amended to
 12 read as follows:

13 "66-2401. Plumbers--license required--exception.
 14 (1) Any person working at the business field of plumbing,
 15 in any incorporated city, ~~or town,~~ or in any other area
 16 served by a public water supply or a public sewer system in
 17 this state, either as a master plumber or as a journeyman
 18 plumber, or who, while working at the business field of
 19 plumbing, shall connect plumbing to or disconnect plumbing
 20 from a ~~water-or-sewer-system-of-such-a-city-or--towny--which~~
 21 serves--the--public public water supply or public sewer
 22 system, shall first secure a state license as hereinafter
 23 provided. Provided that the council or commission of any
 24 city or town or board of directors or managers of a water or
 25 sewer district or water utility, in cases where a duly

1 licensed person or persons ~~is~~ are not reasonably available,
 2 may, by ordinance, rule or resolution duly adopted, and upon
 3 reasonable notice to the board of plumbing--examiners
 4 plumbers and upon their approval, authorize the practice of
 5 ~~the-business~~ in the field of plumbing by a person or persons
 6 who have not obtained the state licenses as hereinafter
 7 provided until such time as a duly licensed person or
 8 persons is are reasonably available.

9 (2) Licensure is not required in the following
 10 instances of plumbing installation:

- 11 (a) Where an owner of a single family residence used
 12 exclusively for his personal use, makes the installation
 13 himself for all sanitary plumbing and potable water supply
 14 pipng;
- 15 (b) In any mine, mill, smelter, refinery, or railroad
 16 not connected to a private or public utility system;
- 17 (c) In farms or ranches having their own private water
 18 supply and sewage disposal systems;
- 19 (d) In cities and towns extending their own city water
 20 and sewer mains;
- 21 (e) Installation of water conditioner services in
 22 private dwellings."

23 Section 2. Section 66-2401.1, R.C.M. 1947, is amended
 24 to read as follows:

25 "66-2401.1. Definitions. Unless the context requires

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1 otherwise, in this act:

2 (1) "Board" means the board of plumbers, provided for
3 in section 82A-1602.22; and

4 (2) "Department" means the department of professional
5 and occupational licensing, provided for in Title 82A,
6 chapter 16;

7 (3) "Public water supply" means any community well,
8 water hauler for cisterns, water bottling plant, water
9 dispenser, or other water supply that serves ten (10) or
10 more families, or twenty-five (25) or more persons on a
11 regular and continuous basis;

12 (4) "Public sewer system" means any common sewer
13 carrying liquid wastes from two or more dwellings, or any
14 other facility that serves the public;

15 (5) "Journeyman plumber" means a person who is
16 authorized to make installation of all sanitary plumbing and
17 potable water supply piping and appliances connected
18 thereto;

19 (6) "Master plumber" means a person who is authorized
20 by this act to plan, estimate, bid, contract for, and
21 supervise plumbing work; and

22 (7) "Field of plumbing" means the business, trade or
23 work having to do with the installation, removal, alteration
24 or repair of plumbing and drainage systems or parts
25 thereof."

1 Section 3. Section 66-2402, R.C.M. 1947, is amended to
2 read as follows:

3 "66-2402. Application for state license--
4 qualifications of licensees. (1) A person desiring to work
5 at the business of plumbing in ~~a city or town~~ the state of
6 Montana shall file his application for a license with the
7 department, and shall at the time and place designated by
8 the board, be examined as to his qualifications for working
9 in this business.

10 (2) The following requirements shall be met by
11 applicants for a license:

12 (a) For journeyman plumbers:

13 (i) A specific record of ~~five--(5)~~ four (4) years
14 experience in the field of plumbing, of a character
15 satisfactory to the board. This experience requirement may
16 be fulfilled by working ~~five--(5)~~ four (4) years in a major
17 phase of the plumbing business, or by completing an
18 apprenticeship program meeting the standards set by the
19 department of labor and industry or the United States
20 department of labor, bureau of apprenticeship, or credit
21 towards this experience requirement may be given for time
22 spent attending an accredited trade or other schools
23 specializing in training of value in the ~~plumbing--business~~
24 field of plumbing and approved by the board.

25 (ii) Satisfactory completion of an examination

1 conducted by the department, subject to section 82A-1603
 2 (4), testing the applicant's ~~general~~ knowledge ~~of subjects~~
 3 ~~necessary to plumbing, testing his knowledge~~ of techniques
 4 and methods employed in the ~~plumbing--business~~ field of
 5 plumbing, and establishing by practical demonstration his
 6 competence in the special skills required in the field of
 7 plumbing.

8 (iii) A licensed journey man plumber may perform work
 9 only in the employment of a licensed master plumber unless
 10 otherwise permitted by rule of the board.

11 (b) For master plumbers:

12 (i) Evidence of ~~five-(5)~~ four (4) years experience as a
 13 journeyman plumber in the field of plumbing of a character
 14 satisfactory to the board.

15 (ii) Evidence of three (3) years experience in
 16 supervisory capacities in the ~~plumbing--business~~ field of
 17 plumbing, which may run concurrently with the requirement in
 18 (i) above.

19 (iii) Satisfactory completion of an examination for
 20 master plumbers testing his knowledge of the ~~plumbing~~
 21 business field of plumbing and demonstrating his ~~familiarity~~
 22 skill and ability with--business--practices--normally
 23 encountered--in--the--plumbing--business in the field of
 24 plumbing.

25 (iv) A master plumber is not authorized to perform the

1 work of a journeyman plumber unless he is also licensed as a
 2 journeyman plumber. A licensed master plumber may employ
 3 apprentice and only journeyman plumbers who are licensed by
 4 the state of Montana, in the conduct of his business and
 5 shall be responsible for assuring that all work performed by
 6 such employees shall be in compliance with the state
 7 plumbing code."

8 Section 4. Section 66-2403, R.C.M. 1947, is amended to
 9 read as follows:

10 "66-2403. Compensation--examination of applicants. (1)
 11 A member of the board is entitled to a compensation in the
 12 amount of twenty dollars (\$20) plus per diem for each day
 13 while actually engaged in the work of the board.

14 (2) An applicant for a license to work ~~at-the--business~~
 15 in the field of plumbing shall be examined as to his
 16 qualifications by the department, subject to section
 17 82A-1603 (4). The department shall examine each applicant
 18 for a license, to determine his skill and qualifications ~~and~~
 19 ~~fitness-for-carrying-on-the-business-of~~ as a master plumber
 20 or journeyman plumber, ~~and--if--the~~ The applicant upon
 21 successfully passes passing the examination prescribed by
 22 the board, then shall be issued a license ~~shall-be-issued-to~~
 23 ~~the--applicant~~ authorizing him to engage in the ~~business-and~~
 24 ~~occupation-of~~ field of plumbing as a master plumber or
 25 journeyman plumber, ~~--as-the-case-may-be--The-license, when~~

1 ~~issued, authorizes the holder to carry on the business of a~~
 2 ~~master plumber or a journeyman plumber, as the case may be,~~
 3 ~~in any city or town in this the state of Montana."~~

4 Section 5. Section 66-2404, R.C.M. 1947, is amended to
 5 read as follows:

6 "66-2404. Application for license -- information
 7 required -- individual -- firms or corporations. A person,
 8 firm, or corporation desiring to engage in or work in the
 9 business field of plumbing, either as a master plumber or as
 10 a journeyman plumber, in this state, shall ~~apply~~ make
 11 application to the department by filing a written
 12 application stating his place of residence, age, experience,
 13 and the place where he has acquired his experience, and
 14 shall at a time and place designated by the board be
 15 examined as to his qualifications for ~~the~~ a license. In the
 16 case of a firm or corporation, the examination and ~~issuing~~
 17 issuance of a license to ~~one (1) member~~ an individual of the
 18 firm, or to ~~the manager~~ a principal of the firm or
 19 corporation, satisfies the requirements of this act as to
 20 master plumbers, but not as to journeymen plumbers. ~~A person~~
 21 ~~may not~~ No individual, firm or corporation may do the work
 22 of a master plumber unless licensed under this act.

23 A master plumber shall not allow his license to be used
 24 by any person, or firm, corporation, or business other than
 25 his own, for the purpose of obtaining permits, or for doing

1 plumbing work under his license."

2 Section 6. Section 66-2406, R.C.M. 1947, is amended to
 3 read as follows:

4 "66-2406. Apprentices--rules--record. This act does
 5 not prohibit a person from working as an apprentice in the
 6 trade of plumbing with a plumber licensed by the department
 7 under the supervision of a licensed journeyman plumber, and
 8 under the rules made by the board. The name and residence of
 9 each apprentice, and the names and residences of their
 10 employers, shall be filed with the department, and a record
 11 shall be kept by the department, ~~showing the names and~~
 12 ~~residences of these apprentices."~~

13 Section 7. Section 66-2411, R.C.M. 1947, is amended to
 14 read as follows:

15 "66-2411. Penalty for violations--exceptions from act.
 16 Any person working at the business field of plumbing or
 17 maintaining or conducting a plumbing shop business ~~in any~~
 18 ~~incorporated city or town in this state, or any individual~~
 19 ~~or who, while working at the business of plumbing, shall~~
 20 ~~connect plumbing to or disconnect~~ connects or disconnects
 21 plumbing from a public water or sewer system ~~of such a city~~
 22 ~~or town, which serves the public,~~ in violation of any
 23 provisions of this act, or at a time when he is not exempt
 24 from the provisions of this act pursuant to the provisions
 25 of a duly enacted and subsisting ordinance of such city or

1 town shall be deemed guilty of a misdemeanor, and, upon
 2 conviction thereof in any court of competent jurisdiction,
 3 shall be punished by a fine of not less than ten dollars and
 4 not more than one hundred dollars or imprisonment in a
 5 county jail for a term not exceeding six (6) months, or
 6 both, for each separate offense; provided, however, that
 7 this act shall not be construed to apply to, or affect,
 8 plumbing or pipefitting ~~in any smelter, mine, railroad or~~
 9 ~~manufacturing industry,~~ as indicated in the section
 10 66-2401(2) and section 65-2426 exceptions. and that nothing
 11 ~~herein shall be construed to affect article VI of the state~~
 12 ~~of Montana plumbing code, rules and regulations."~~

13 Section 8. Section 66-2415, R.C.M. 1947, is amended to
 14 read as follows:

15 "66-2415. Act not to require employment of licensed
 16 plumbers. ~~Nothing in this act shall be construed as~~
 17 ~~requiring that licensed plumbers be employed in the~~
 18 ~~performance of any plumbing work.~~ This act shall not be
 19 construed as imposing any penalty on any person for hiring
 20 or contracting with an unlicensed person to do work in the
 21 field of plumbing. However, any person who shall himself
 22 engage in the field of plumbing at a time when he is not
 23 duly licensed shall be subject to the penalties imposed by
 24 this act."

25 Section 9. Section 66-2416, R.C.M. 1947, is amended to

1 read as follows:

2 "66-2416. Minimum standards--state plumbing code--fee
 3 for copy of code. (1) The board shall by rule prescribe
 4 minimum standards which are uniform and which are thereafter
 5 effective for all new plumbing installations or maintenance,
 6 except where exempt by section 66-2426. The rules shall
 7 ~~contain the minimum requirements for plumbing set forth in~~
 8 ~~the American standard national plumbing code, numbered ASA~~
 9 ~~A40-8-1955, and published by the American society of~~
 10 ~~mechanical engineers. Except as provided in subsection (2)~~
 11 ~~of this section, on~~ Upon approval of the department of
 12 administration, department of health and environmental
 13 sciences and the attorney general, and upon publication, the
 14 rules become the state plumbing code and have the force of
 15 law. A copy of the code shall be supplied to each person
 16 licensed under sections 66-2401 through 66-2411, or any
 17 other interested person, for ~~a fee of no more than five~~
 18 ~~dollars (\$5)~~ an amount equal to the actual current cost of
 19 the code plus postage.

20 (2) Rules relating to building and equipment standards
 21 covered by the state or a municipal building code are
 22 effective after approval by the department of administration
 23 and filing with the secretary of state."

24 Section 10. Section 66-2419, R.C.M. 1947, is amended
 25 to read as follows:

1 "66-2419. Revocation or suspension of license for work
2 below minimum standards. Any person, firm, or corporation
3 licensed under the provisions of Title 66, chapter 24 of
4 the laws of the state of Montana who performs plumbing work
5 in ~~any building whatsoever~~ the field of plumbing, below the
6 minimum basic standards for plumbing as set forth in said
7 state plumbing code ~~shall have~~ is subject to having their
8 license revoked or suspended by the state ~~plumbing--board~~
9 board of plumbers."

10 Section 11. Section 66-2420, R.C.M. 1947, is amended
11 to read as follows:

12 "66-2420. Revocation or suspension--initiation of
13 proceedings--procedure. Proceedings for the revocation or
14 suspension of a journeyman or master plumber's license may
15 be taken by the board on its motion, for matters in its
16 knowledge, or may be taken on the information of another.
17 Accusations must be in writing, and verified by a party
18 familiar with the facts charged. On receiving the accusation
19 the board shall, if it considers the accusation sufficient,
20 make an order setting it for hearing, and requiring the
21 accused to appear and answer the charge or accusation at the
22 hearing, ~~in the county in which the alleged violation~~
23 occurred."

24 Section 12. Section 66-2426, R.C.M. 1947, is amended
25 to read as follows:

1 "66-2426. Exceptions from act. This act shall not be
2 construed to apply to, or to affect, ~~installation of water~~
3 ~~conditioner--services--in--private--dwellings--or~~ plumbing
4 installations in any mines, mills, smelters, refineries,
5 ~~reduction works~~, public utilities, ~~manufacturing--industries~~
6 railroads, or plumbing installations on farms having their
7 own individual water supply or sewage disposal system."

-End-

Approved by Committee
on Public Health, Welfare
& Safety

HOUSE BILL NO. 648

INTRODUCED BY LYNCH (BY REQUEST)

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY UPDATE AND REVISE LAWS RELATING TO LICENSURE OF PLUMBERS; AMENDING SECTIONS 66-2401, 66-2401.1, 66-2402, 66-2403, 66-2404, 66-2406, 66-2411, 66-2415, 66-2416, 66-2419, 66-2420, AND 66-2426, R.C.M. 1947."

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

Section 1. Section 66-2401, R.C.M. 1947, is amended to read as follows:

"66-2401. Plumbers -- license required -- exception.

(1) Any person working at the business field of plumbing, in any incorporated city, ~~or~~ town, or in any other area served by a public water supply or a public sewer system in this state, either as a master plumber or as a journeyman plumber, or who, while working at the business field of plumbing, shall connect plumbing to or disconnect plumbing from a ~~water-or-sewer-system-of-such-a-city-or--town,~~ which serves--the--public public water supply or public sewer system, shall first secure a state license as hereinafter provided. Provided that the council or commission of any city or town or board of directors or managers of a water or sewer district or water utility, in cases where a duly

licensed person or persons ~~is~~ are not reasonably available, may, by ordinance, rule or resolution duly adopted, and upon reasonable notice to the board of ~~plumbing---~~ examiners plumbers and upon their approval, authorize the practice ~~of~~ the-business in the field of plumbing by a person or persons who have not obtained the state licenses as hereinafter provided until such time as a duly licensed person or persons ~~is~~ are reasonably available.

(2) Licensure is not required in the following instances of plumbing installation:

(a) Where an owner of a single family residence used exclusively for his personal use, makes the installation himself for all sanitary plumbing and potable water supply piping;

(b) In any mine, mill, smelter, refinery, or railroad; not-connected-to-a-private-or-public-utility-system

(c) In farms or ranches having their own private water supply and sewage disposal systems;

(d) In cities and towns extending their own city water and sewer mains;

(e) Installation of water conditioner services in private dwellings."

Section 2. Section 66-2401.1, R.C.M. 1947, is amended to read as follows:

"66-2401.1. Definitions. Unless the context requires

1 otherwise, in this act:

2 (1) "Board" means the board of plumbers, provided for
3 in section 82A-1602.22; and

4 (2) "Department" means the department of professional
5 and occupational licensing, provided for in Title 82A,
6 chapter 16;

7 (3) "Public water supply" means any community well,
8 water hauler for cisterns, water bottling plant, water
9 dispenser, or other water supply that serves ten (10) or
10 more families, or twenty-five (25) or more persons on a
11 regular and continuous basis;

12 (4) "Public sewer system" means any common sewer
13 carrying liquid wastes from two or more dwellings, or any
14 other facility that serves the public;

15 (5) "Journeyman plumber" means a person who is
16 authorized to make installation of all sanitary plumbing and
17 potable water supply piping and appliances connected
18 thereto;

19 (6) "Master plumber" means a person who is authorized
20 by this act to plan, estimate, bid, contract for, and
21 supervise plumbing work; and

22 (7) "Field of plumbing" means the business, trade or
23 work having to do with the installation, removal, alteration
24 or repair of plumbing and drainage systems or parts
25 thereof."

1 Section 3. Section 66-2402, R.C.M. 1947, is amended to
2 read as follows:

3 "66-2402. Application for state license --
4 qualifications of licensees. (1) A person desiring to work
5 at the business of plumbing in ~~a city or town~~ the state of
6 Montana shall file his application for a license with the
7 department, and shall at the time and place designated by
8 the board, be examined as to his qualifications for working
9 in this business.

10 (2) The following requirements shall be met by
11 applicants for a license:

12 (a) For journeyman plumbers:

13 (i) A specific record of ~~five--(5)~~ four (4) years
14 experience in the field of plumbing, of a character
15 satisfactory to the board. This experience requirement may
16 be fulfilled by working ~~five--(5)~~ four (4) years in a major
17 phase of the plumbing business, or by completing an
18 apprenticeship program meeting the standards set by the
19 department of labor and industry or the United States
20 department of labor, bureau of apprenticeship, or credit
21 towards this experience requirement may be given for time
22 spent attending an accredited trade or other schools
23 specializing in training of value in the ~~plumbing-business~~
24 field of plumbing and approved by the board.

25 (ii) Satisfactory completion of an examination

1 conducted by the department, subject to section 82A-1603
 2 (4), testing the applicant's ~~general~~ knowledge ~~of--subjects~~
 3 ~~necessary--to--plumbing,--testing-his-knowledge~~ of techniques
 4 and methods employed in the plumbing--business field of
 5 plumbing, and establishing by practical demonstration his
 6 competence in the special skills required in the field of
 7 plumbing.

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

11 (b) For master plumbers:

12 (i) Evidence of ~~five-(5)~~ four (4) years experience as a
 13 journeyman plumber in the field of plumbing of a character
 14 satisfactory to the board.

15 (ii) Evidence of three (3) years experience in
 16 supervisory capacities in the plumbing-business field of
 17 plumbing, which may run concurrently with the requirement in
 18 (i) above.

19 (iii) Satisfactory completion of an examination for
 20 master plumbers testing his knowledge of the plumbing
 21 business field of plumbing and demonstrating his familiarity
 22 skill and ability with---business---practices---normally
 23 encountered--in--the--plumbing--business in the field of
 24 plumbing.

25 (iv) A master plumber is not authorized to perform the

1 work of a journeyman plumber unless he is also licensed as a
 2 journeyman plumber. A licensed master plumber may employ
 3 apprentice and only journeyman plumbers who are licensed by
 4 the state of Montana, in the conduct of his business and
 5 shall be responsible for assuring that all work performed by
 6 such employees shall be in compliance with the state
 7 plumbing code."

8 Section 4. Section 66-2403, R.C.M. 1947, is amended to
 9 read as follows:

10 "66-2403. Compensation--examination of applicants. (1)
 11 A member of the board is entitled to a compensation in the
 12 amount of twenty dollars (\$20) plus per diem for each day
 13 while actually engaged in the work of the board.

14 (2) An applicant for a license to work ~~at-the-business~~
 15 in the field of plumbing shall be examined as to his
 16 qualifications by the department, subject to section
 17 82A-1603 (4). The department shall examine each applicant
 18 for a license, to determine his skill and qualifications and
 19 ~~fitness--for-carrying-on-the-business-of as~~ a master plumber
 20 or journeyman plumber, ~~and--if--the~~ The applicant upon
 21 successfully passes passing the examination prescribed by
 22 the board, then shall be issued a license ~~shall-be-issued-to~~
 23 ~~the-applicant~~ authorizing him to engage in the ~~business--and~~
 24 ~~occupation--of~~ field of plumbing as a master plumber or
 25 journeyman plumber, ~~as-the-case-may-be,--The--license,--when~~

1 ~~issued--authorizes-the-holder-to-carry-on-the-business-of-a~~
2 ~~master-plumber-or-a-journeyman-plumber,-as-the-case-may-be,~~
3 ~~in-any-city-or-town~~ in this the state of Montana."

4 Section 5. Section 66-2404, R.C.M. 1947, is amended to
5 read as follows:

6 "66-2404. Application for license -- information
7 required -- individual -- firms or corporations. A person,
8 firm, or corporation desiring to engage in or work in the
9 business field of plumbing, either as a master plumber or as
10 a journeyman plumber, in this state, shall apply make
11 application to the department by filing a written
12 application stating his place of residence, age, experience,
13 and the place where he has acquired his experience, and
14 shall at a time and place designated by the board be
15 examined as to his qualifications for the a license. In the
16 case of a firm or corporation, the examination and issuing
17 issuance of a license to ~~one-(1)-member~~ an individual of the
18 firm, or to ~~the--manager~~ a principal of the firm or
19 corporation, satisfies the requirements of this act as to
20 master plumbers, but not as to journeymen plumbers. ~~A-person~~
21 ~~may-not~~ No individual, firm or corporation may do the work
22 of a master plumber unless licensed under this act.

23 A master plumber shall not allow his license to be used
24 by any person, or firm, corporation, or business other than
25 his own, for the purpose of obtaining permits, or for doing

1 plumbing work under his license."

2 Section 6. Section 66-2406, R.C.M. 1947, is amended to
3 read as follows:

4 "66-2406. Apprentices--rules--record. This act does
5 not prohibit a person from working as an apprentice in the
6 trade of plumbing with a plumber licensed by the department
7 under the supervision of a licensed journeyman plumber--and
8 under--the--rules--made--by-the-board ONLY THOSE APPRENTICES
9 REGISTERED WITH THE STATE APPRENTICESHIP BUREAU, LABOR
10 STANDARDS DIVISION, WILL BE RECOGNIZED BY THE DEPARTMENT.

11 The name and residence of each apprentice, and the names and
12 residences of their employers, shall be filed with the
13 department, and a record shall be kept by the department,
14 ~~showing-the-names-and-residences-of-these-apprentices."~~

15 Section 7. Section 66-2411, R.C.M. 1947, is amended to
16 read as follows:

17 "66-2411. Penalty for violations--exceptions from act.
18 Any person working at the business field of plumbing or
19 maintaining or conducting a plumbing shop business in-any
20 incorporated-city-or-town-in-this-state, or any individual
21 or who--while--working--at-the-business-of-plumbing, shall
22 connect-plumbing-to-or-disconnect connects or disconnects
23 plumbing from, a public water or sewer system of-such-a-city
24 or--town,--which--serves--the--public, in violation of any
25 provisions of this act, or at a time when he is not exempt

1 from the provisions of this act pursuant to the provisions
 2 of a duly enacted and subsisting ordinance of such city or
 3 town shall be deemed guilty of a misdemeanor, and, upon
 4 conviction thereof in any court of competent jurisdiction,
 5 shall be punished by a fine of not less than ten dollars and
 6 not more than one hundred dollars or imprisonment in a
 7 county jail for a term not exceeding six (6) months, or
 8 both, for each separate offense; provided, however, that
 9 this act shall not be construed to apply to, or affect,
 10 plumbing or pipefitting in any smelter, mine, railroad or
 11 manufacturing industry, as indicated in the section
 12 66-2401(2) and section 65-2426 exceptions. and that nothing
 13 herein shall be construed to affect article VI of the state
 14 of Montana plumbing code, rules and regulations."

15 Section 8. Section 66-2415, R.C.M. 1947, is amended to
 16 read as follows:

17 "66-2415. Act not to ~~require employment of licensed~~
 18 IMPOSE PENALTIES ON HIRING OF UNLICENSED plumbers. Nothing
 19 in this act shall be construed as requiring that licensed
 20 plumbers be employed in the performance of any plumbing
 21 work. This act shall not be construed as imposing any
 22 penalty on any person for hiring or contracting with an
 23 unlicensed person to do work in the field of plumbing.
 24 However, any person who shall himself engage in the field of
 25 plumbing at a time when he is not duly licensed shall be

1 subject to the penalties imposed by this act."

2 Section 9. Section 66-2416, R.C.M. 1947, is amended to
 3 read as follows:

4 "66-2416. Minimum standards--state plumbing code--fee
 5 for copy of code. (1) The board shall by rule prescribe
 6 minimum standards which are uniform and which are thereafter
 7 effective for all new plumbing installations or maintenance,
 8 except where exempt by section 66-2426. The rules shall
 9 contain the minimum requirements for plumbing set forth in
 10 the American standard national plumbing code, numbered ASA
 11 A40-8-1955, and published by the American society of
 12 mechanical engineers. Except as provided in subsection (2)
 13 of this section, on Upon approval of the department of
 14 administration, department of health and environmental
 15 sciences and the attorney general, and upon publication, the
 16 rules become the state plumbing code and have the force of
 17 law. A copy of the code shall be supplied to each person
 18 licensed under sections 66-2401 through 66-2411, or any
 19 other interested person, for ~~a fee of no more than five~~
 20 dollars--(\$5) an amount equal to the actual current cost of
 21 the code plus postage.

22 (2) Rules relating to building and equipment standards
 23 covered by the state or a municipal building code are
 24 effective after approval by the department of administration
 25 and filing with the secretary of state."

1 Section 10. Section 66-2419, R.C.M. 1947, is amended
2 to read as follows:

3 "66-2419. Revocation or suspension of license for work
4 below minimum standards. Any person, firm, or corporation
5 licensed under the provisions of Title 66, chapter 24 of
6 the laws of the state of Montana who performs plumbing work
7 in ~~any building whatsoever~~ the field of plumbing, below the
8 minimum basic standards for plumbing as set forth in said
9 state plumbing code ~~shall have~~ is subject to having their
10 license revoked or suspended by the state ~~plumbing--board~~
11 board of plumbers."

12 Section 11. Section 66-2420, R.C.M. 1947, is amended
13 to read as follows:

14 "66-2420. Revocation or suspension--initiation of
15 proceedings--procedure. Proceedings for the revocation or
16 suspension of a journeyman or master plumber's license may
17 be taken by the board on its motion, for matters in its
18 knowledge, or may be taken on the information of another.
19 Accusations must be in writing, and verified by a party
20 familiar with the facts charged. On receiving the accusation
21 the board shall, if it considers the accusation sufficient,
22 make an order setting it for hearing, and requiring the
23 accused to appear and answer the charge or accusation at the
24 hearing, ~~in the--county--in--which--the--alleged--violation~~
25 ~~occurred.~~"

1 Section 12. Section 66-2426, R.C.M. 1947, is amended
2 to read as follows:

3 "66-2426. Exceptions from act. This act shall not be
4 construed to apply to, or to affect, ~~installation of water~~
5 ~~conditioner--services--in--private--dwellings--or~~ plumbing
6 installations in any mines, mills, smelters, refineries,
7 ~~reduction works,~~ public utilities, ~~manufacturing--industries~~
8 railroads, or plumbing installations on farms having their
9 own individual water supply or sewage disposal system."

-End-

HOUSE BILL NO. 648

INTRODUCED BY LYNCH (BY REQUEST)

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY UPDATE AND REVISE LAWS RELATING TO LICENSURE OF PLUMBERS; AMENDING SECTIONS 66-2401, 66-2401.1, 66-2402, 66-2403, 66-2404, 66-2406, 66-2411, 66-2415, 66-2416, 66-2419, 66-2420, AND 66-2426, R.C.M. 1947."

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

Section 1. Section 66-2401, R.C.M. 1947, is amended to read as follows:

"66-2401. Plumbers -- license required -- exception.

(1) Any person working at the business field of plumbing, in any incorporated city, ~~or~~ town, or in any other area served by a public water supply or a public sewer system in this state, either as a master plumber or as a journeyman plumber, or who, while working at the business field of plumbing, shall connect plumbing to or disconnect plumbing from a ~~water-or-sewer-system-of-such-a-city-or--town--which serves--the--public~~ public water supply or public sewer system, shall first secure a state license as hereinafter provided. Provided that the council or commission of any city or town or board of directors or managers of a water or sewer district or water utility, in cases where a duly

licensed person or persons ~~is~~ are not reasonably available, may, by ordinance, rule or resolution duly adopted, and upon reasonable notice to the board of ~~plumbing---examiners~~ plumbers and upon their approval, authorize the practice of ~~the-business~~ in the field of plumbing by a person or persons who have not obtained the state licenses as hereinafter provided until such time as a duly licensed person or persons ~~is~~ are reasonably available.

(2) Licensure is not required in the following instances of plumbing installation:

(a) Where an owner of a single family residence used exclusively for his personal use, makes the installation himself for all sanitary plumbing and potable water supply piping;

(b) In any mine, mill, smelter, refinery, or railroad; net-connected-to-a-private-or-public-utility-system

(c) In farms or ranches having their own private water supply and sewage disposal systems;

(d) In cities and towns extending their own city water and sewer mains;

(e) Installation of water conditioner services in private dwellings."

Section 2. Section 66-2401.1, R.C.M. 1947, is amended to read as follows:

"66-2401.1. Definitions. Unless the context requires

1 otherwise, in this act:

2 (1) "Board" means the board of plumbers, provided for
3 in section 82A-1602.22; and

4 (2) "Department" means the department of professional
5 and occupational licensing, provided for in Title 82A,
6 chapter 16;

7 (3) "Public water supply" means any community well,
8 water hauler for cisterns, water bottling plant, water
9 dispenser, or other water supply that serves ten (10) or
10 more families, or twenty-five (25) or more persons on a
11 regular and continuous basis;

12 (4) "Public sewer system" means any common sewer
13 carrying liquid wastes from two or more dwellings, or any
14 other facility that serves the public;

15 (5) "Journeyman plumber" means a person who is
16 authorized to make installation of all sanitary plumbing and
17 potable water supply piping and appliances connected
18 thereto;

19 (6) "Master plumber" means a person who is authorized
20 by this act to plan, estimate, bid, contract for, and
21 supervise plumbing work; and

22 (7) "Field of plumbing" means the business, trade or
23 work having to do with the installation, removal, alteration
24 or repair of plumbing and drainage systems or parts
25 thereof."

1 Section 3. Section 66-2402, R.C.M. 1947, is amended to
2 read as follows:

3 "66-2402. Application for state license --
4 qualifications of licensees. (1) A person desiring to work
5 at the business of plumbing in ~~a city or town~~ the state of
6 Montana shall file his application for a license with the
7 department, and shall at the time and place designated by
8 the board, be examined as to his qualifications for working
9 in this business.

10 (2) The following requirements shall be met by
11 applicants for a license:

12 (a) For journeyman plumbers:

13 (i) A specific record of ~~five--(5)~~ four (4) years
14 experience in the field of plumbing, of a character
15 satisfactory to the board. This experience requirement may
16 be fulfilled by working ~~five--(5)~~ four (4) years in a major
17 phase of the plumbing business, or by completing an
18 apprenticeship program meeting the standards set by the
19 department of labor and industry or the United States
20 department of labor, bureau of apprenticeship, or credit
21 towards this experience requirement may be given for time
22 spent attending an accredited trade or other schools
23 specializing in training of value in the ~~plumbing-business~~
24 field of plumbing and approved by the board.

25 (ii) Satisfactory completion of an examination

1 conducted by the department, subject to section 82A-1603
 2 (4), testing the applicant's ~~general knowledge of--subjects~~
 3 ~~necessary--to--plumbing, testing his knowledge~~ of techniques
 4 and methods employed in the ~~plumbing--business~~ field of
 5 plumbing, and establishing by practical demonstration his
 6 competence in the special skills required in the field of
 7 plumbing.

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

11 (b) For master plumbers:

12 (i) Evidence of ~~five-(5)~~ four (4) years experience as a
 13 journeyman plumber in the field of plumbing of a character
 14 satisfactory to the board.

15 (ii) Evidence of three (3) years experience in
 16 supervisory capacities in the ~~plumbing-business~~ field of
 17 plumbing, which may run concurrently with the requirement in
 18 (i) above.

19 (iii) Satisfactory completion of an examination for
 20 master plumbers testing his knowledge of the ~~plumbing~~
 21 business field of plumbing and demonstrating his ~~familiarity~~
 22 skill and ability with--business---practices---normally
 23 encountered--in--the--plumbing--business in the field of
 24 plumbing.

25 (iv) A master plumber is not authorized to perform the

1 work of a journeyman plumber unless he is also licensed as a
 2 journeyman plumber. A licensed master plumber may employ
 3 apprentice and only journeyman plumbers who are licensed by
 4 the state of Montana, in the conduct of his business and
 5 shall be responsible for assuring that all work performed by
 6 such employees shall be in compliance with the state
 7 plumbing code."

8 Section 4. Section 66-2403, R.C.M. 1947, is amended to
 9 read as follows:

10 "66-2403. Compensation--examination of applicants. (1)
 11 A member of the board is entitled to a compensation in the
 12 amount of twenty dollars (\$20) plus per diem for each day
 13 while actually engaged in the work of the board.

14 (2) An applicant for a license to work ~~at-the-business~~
 15 in the field of plumbing shall be examined as to his
 16 qualifications by the department, subject to section
 17 82A-1603 (4). The department shall examine each applicant
 18 for a license, to determine his skill and qualifications ~~and~~
 19 ~~fitness--for-carrying-on-the-business-of~~ as a master plumber
 20 or journeyman plumber, ~~and--if--the~~ The applicant upon
 21 successfully passes passing the examination prescribed by
 22 the board, then shall be issued a license ~~shall-be-issued-to~~
 23 ~~the-applicant~~ authorizing him to engage in the ~~business--and~~
 24 ~~occupation--of~~ field of plumbing as a master plumber or
 25 journeyman plumber, ~~as-the-case-may-be--The--license,--when~~

1 ~~issued,--authorizes-the-holder-to-carry-on-the-business-of-a~~
 2 ~~master-plumber-or-a-journeyman-plumber,-as-the-case-may--be,~~
 3 ~~in-any-city-or-town in this the state of Montana."~~

4 Section 5. Section 66-2404, R.C.M. 1947, is amended to
 5 read as follows:

6 "66-2404. Application for license -- information
 7 required -- individual -- firms or corporations. A person,
 8 firm, or corporation desiring to engage in or work in the
 9 business field of plumbing, either as a master plumber or as
 10 a journeyman plumber, in this state, shall apply make
 11 application to the department by filing a written
 12 application stating his place of residence, age, experience,
 13 and the place where he has acquired his experience, and
 14 shall at a time and place designated by the board be
 15 examined as to his qualifications for the a license. In the
 16 case of a firm or corporation, the examination and issuing
 17 issuance of a license to ~~one-(1)-member~~ an individual of the
 18 firm, or to ~~the--manager~~ a principal of the firm or
 19 corporation, satisfies the requirements of this act as to
 20 master plumbers, but not as to journeymen plumbers. ~~A-person~~
 21 ~~may-not~~ No individual, firm or corporation may do the work
 22 of a master plumber unless licensed under this act.

23 A master plumber shall not allow his license to be used
 24 by any person, or firm, corporation, or business other than
 25 his own, for the purpose of obtaining permits, or for doing

1 plumbing work under his license."

2 Section 6. Section 66-2406, R.C.M. 1947, is amended to
 3 read as follows:

4 "66-2406. Apprentices--rules--record. This act does
 5 not prohibit a person from working as an apprentice in the
 6 trade of plumbing with a plumber licensed by the department
 7 under the supervision of a licensed journeyman plumber,--and
 8 under--the--rules--made--by-the-board ONLY THOSE APPRENTICES
 9 REGISTERED WITH THE STATE APPRENTICESHIP BUREAU, LABOR
 10 STANDARDS DIVISION, WILL BE RECOGNIZED BY THE DEPARTMENT.
 11 The name and residence of each apprentice, and the names and
 12 residences of their employers, shall be filed with the
 13 department, and a record shall be kept by the department,
 14 ~~showing-the-names-and-residences-of-these-apprentices."~~

15 Section 7. Section 66-2411, R.C.M. 1947, is amended to
 16 read as follows:

17 "66-2411. Penalty for violations--exceptions from act.
 18 Any person working at the business field of plumbing or
 19 maintaining or conducting a plumbing shop business in-any
 20 incorporated-city-or-town-in-this-state, or any individual
 21 or who,--while--working--at-the-business-of-plumbing,--shall
 22 connect-plumbing-to-or-disconnect connects or disconnects
 23 plumbing from, a public water or sewer system of-such-a-city
 24 or--town,--which--serves--the--public, in violation of any
 25 provisions of this act, or at a time when he is not exempt

1 from the provisions of this act pursuant to the provisions
 2 of a duly enacted and subsisting ordinance of such city or
 3 town shall be deemed guilty of a misdemeanor, and, upon
 4 conviction thereof in any court of competent jurisdiction,
 5 shall be punished by a fine of not less than ten dollars and
 6 not more than one hundred dollars or imprisonment in a
 7 county jail for a term not exceeding six (6) months, or
 8 both, for each separate offense; provided, however, that
 9 this act shall not be construed to apply to, or affect,
 10 plumbing or pipefitting in any smelter, mine, railroad or
 11 manufacturing industry, as indicated in the section
 12 66-2401(2) and section 65-2426 exceptions. and that nothing
 13 herein shall be construed to affect article VI of the state
 14 of Montana plumbing code, rules and regulations."

15 Section 8. Section 66-2415, R.C.M. 1947, is amended to
 16 read as follows:

17 "66-2415. Act not to ~~require employment of licensed~~
 18 IMPOSE PENALTIES ON HIRING OF UNLICENSED plumbers. Nothing
 19 in this act shall be construed as requiring that licensed
 20 plumbers be employed in the performance of any plumbing
 21 work. This act shall not be construed as imposing any
 22 penalty on any person for hiring or contracting with an
 23 unlicensed person to do work in the field of plumbing.
 24 However, any person who shall himself engage in the field of
 25 plumbing at a time when he is not duly licensed shall be

1 subject to the penalties imposed by this act."

2 Section 9. Section 66-2416, R.C.M. 1947, is amended to
 3 read as follows:

4 "66-2416. Minimum standards--state plumbing code--fee
 5 for copy of code. (1) The board shall by rule prescribe
 6 minimum standards which are uniform and which are thereafter
 7 effective for all new plumbing installations or maintenance,
 8 except where exempt by section 66-2426. The rules shall
 9 contain the minimum requirements for plumbing set forth in
 10 the American standard national plumbing code, numbered A6A
 11 A40-8-1955, and published by the American society of
 12 mechanical engineers, except as provided in subsection (2)
 13 of this section, on Upon approval of the department of
 14 administration, department of health and environmental
 15 sciences and the attorney general, and upon publication, the
 16 rules become the state plumbing code and have the force of
 17 law. A copy of the code shall be supplied to each person
 18 licensed under sections 66-2401 through 66-2411, or any
 19 other interested person, for ~~a fee of no more than five~~
 20 dollars-(\$5) an amount equal to the actual current cost of
 21 the code plus postage.

22 (2) Rules relating to building and equipment standards
 23 covered by the state or a municipal building code are
 24 effective after approval by the department of administration
 25 and filing with the secretary of state."

1 Section 10. Section 66-2419, R.C.M. 1947, is amended
2 to read as follows:

3 "66-2419. Revocation or suspension of license for work
4 below minimum standards. Any person, firm, or corporation
5 licensed under the provisions of Title 66, chapter 24 of
6 the laws of the state of Montana who performs plumbing work
7 in ~~any building whatsoever~~ the field of plumbing, below the
8 minimum basic standards for plumbing as set forth in said
9 state plumbing code ~~shall have~~ is subject to having their
10 license revoked or suspended by the state ~~plumbing--board~~
11 board of plumbers."

12 Section 11. Section 66-2420, R.C.M. 1947, is amended
13 to read as follows:

14 "66-2420. Revocation or suspension--initiation of
15 proceedings--procedure. Proceedings for the revocation or
16 suspension of a journeyman or master plumber's license may
17 be taken by the board on its motion, for matters in its
18 knowledge, or may be taken on the information of another.
19 Accusations must be in writing, and verified by a party
20 familiar with the facts charged. On receiving the accusation
21 the board shall, if it considers the accusation sufficient,
22 make an order setting it for hearing, and requiring the
23 accused to appear and answer the charge or accusation at the
24 hearing, ~~in the--county--in--which--the--alleged--violation~~
25 ~~occurred.~~"

1 Section 12. Section 66-2426, R.C.M. 1947, is amended
2 to read as follows:

3 "66-2426. Exceptions from act. This act shall not be
4 construed to apply to, or to affect, ~~installation-of-water~~
5 ~~conditioner--services--in--private--dwellings--or~~ plumbing
6 installations in any mines, mills, smelters, refineries,
7 ~~reduction-works,~~ public utilities, ~~manufacturing--industries~~
8 railroads, or plumbing installations on farms having their
9 own individual water supply or sewage disposal system."

-End-

March 22, 1975

SENATE COMMITTEE ON LABOR AND EMPLOYMENT RELATIONS

AMENDMENTS TO HOUSE BILL NO. 648

That House Bill No. 648, third reading, be amended as follows:

1. Amend page 2, section 1, line 14.
Following: "piping;"
Insert: "or, where a mobile home dealer makes such installation to existing facilities as part of delivering and setting up a mobile home for a purchaser;"
2. Amend page 2, section 1, line 22.
Following: "dwellings"
Strike: " . "
Insert: " ; "
3. Amend page 2, section 1, line 22.
Following: line 22
Insert: "(f) Minor work by employees or agents of an appliance dealer, incidental to the installation of an appliance purchased from the dealer."

March 26, 1975

SENATE COMMITTEE OF THE WHOLE
AMENDMENTS TO HOUSE BILL NO. 648

That House Bill No. 648, third reading, be amended as follows:

1. Amend page 9, section 7, lines 6 through 7 and 8.
Following: "dollars"
Strike: "or imprisonment in a county jail for a term not exceeding six (6) months, or both,"

HOUSE BILL NO. 648

INTRODUCED BY LYNCH (BY REQUEST)

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY UPDATE AND REVISE LAWS RELATING TO LICENSURE OF PLUMBERS; AMENDING SECTIONS 66-2401, 66-2401.1, 66-2402, 66-2403, 66-2404, 66-2406, 66-2411, 66-2415, 66-2416, 66-2419, 66-2420, AND 66-2426, R.C.M. 1947."

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

Section 1. Section 66-2401, R.C.M. 1947, is amended to read as follows:

"66-2401. Plumbers -- license required -- exception.

(1) Any person working at the business field of plumbing, in any incorporated city, or town, or in any other area served by a public water supply or a public sewer system in this state, either as a master plumber or as a journeyman plumber, or who, while working at the business field of plumbing, shall connect plumbing to or disconnect plumbing from a water-or-sewer-system-of-such-a-city-or--town--which serves--the--public public water supply or public sewer system, shall first secure a state license as hereinafter provided. Provided that the council or commission of any city or town or board of directors or managers of a water or sewer district or water utility, in cases where a duly

licensed person or persons ~~is~~ are not reasonably available, may, by ordinance, rule or resolution duly adopted, and upon reasonable notice to the board of plumbing---examiners plumbers and upon their approval, authorize the practice of the-business in the field of plumbing by a person or persons who have not obtained the state licenses as hereinafter provided until such time as a duly licensed person or persons ~~is~~ are reasonably available.

(2) Licensure is not required in the following instances of plumbing installation:

(a) Where an owner of a single family residence used exclusively for his personal use, makes the installation himself for all sanitary plumbing and potable water supply piping; OR, WHERE A MOBILE HOME DEALER MAKES SUCH INSTALLATION TO EXISTING FACILITIES AS PART OF DELIVERING AND SETTING UP A MOBILE HOME FOR A PURCHASER;

(b) In any mine, mill, smelter, refinery, or railroad; not-connected-to-a-private-or-public-utility-system

(c) In farms or ranches having their own private water supply and sewage disposal systems;

(d) In cities and towns extending their own city water and sewer mains;

(e) Installation of water conditioner services in private dwellings;

(f) MINOR WORK BY EMPLOYEES OR AGENTS OF AN APPLIANCE

1 DEALER, INCIDENTAL TO THE INSTALLATION OF AN APPLIANCE
2 PURCHASED FROM THE DEALER."

3 Section 2. Section 66-2401.1, R.C.M. 1947, is amended
4 to read as follows:

5 "66-2401.1. Definitions. Unless the context requires
6 otherwise, in this act:

7 (1) "Board" means the board of plumbers, provided for
8 in section 82A-1602.22; and

9 (2) "Department" means the department of professional
10 and occupational licensing, provided for in Title 82A,
11 chapter 16;

12 (3) "Public water supply" means any community well,
13 water hauler for cisterns, water bottling plant, water
14 dispenser, or other water supply that serves ten (10) or
15 more families, or twenty-five (25) or more persons on a
16 regular and continuous basis;

17 (4) "Public sewer system" means any common sewer
18 carrying liquid wastes from two or more dwellings, or any
19 other facility that serves the public;

20 (5) "Journeyman plumber" means a person who is
21 authorized to make installation of all sanitary plumbing and
22 potable water supply piping and appliances connected
23 thereto;

24 (6) "Master plumber" means a person who is authorized
25 by this act to plan, estimate, bid, contract for, and

1 supervise plumbing work; and

2 (7) "Field of plumbing" means the business, trade or
3 work having to do with the installation, removal, alteration
4 or repair of plumbing and drainage systems or parts
5 thereof."

6 Section 3. Section 66-2402, R.C.M. 1947, is amended to
7 read as follows:

8 "66-2402. Application for state license --
9 qualifications of licensees. (1) A person desiring to work
10 at the business of plumbing in ~~a city or town~~ the state of
11 Montana shall file his application for a license with the
12 department, and shall at the time and place designated by
13 the board, be examined as to his qualifications for working
14 in this business.

15 (2) The following requirements shall be met by
16 applicants for a license:

17 (a) For journeyman plumbers:

18 (i) A specific record of ~~five--(5)~~ four (4) years
19 experience in the field of plumbing, of a character
20 satisfactory to the board. This experience requirement may
21 be fulfilled by working ~~five-(5)~~ four (4) years in a major
22 phase of the plumbing business, or by completing an
23 apprenticeship program meeting the standards set by the
24 department of labor and industry or the United States
25 department of labor, bureau of apprenticeship, or credit

1 towards this experience requirement may be given for time
 2 spent attending an accredited trade or other schools
 3 specializing in training of value in the ~~plumbing-business~~
 4 field of plumbing and approved by the board.

5 (ii) Satisfactory completion of an examination
 6 conducted by the department, subject to section 82A-1603
 7 (4), testing the applicant's ~~general~~ knowledge ~~of--subjects~~
 8 ~~necessary--to--plumbing--testing-his-knowledge~~ of techniques
 9 and methods employed in the ~~plumbing-business~~ field of
 10 plumbing, and establishing by practical demonstration his
 11 competence in the special skills required in the field of
 12 plumbing.

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

16 (b) For master plumbers:

17 (i) Evidence of ~~five-(5)~~ four (4) years experience as a
 18 journeyman plumber in the field of plumbing of a character
 19 satisfactory to the board.

20 (ii) Evidence of three (3) years experience in
 21 supervisory capacities in the ~~plumbing-business~~ field of
 22 plumbing, which may run concurrently with the requirement in
 23 (i) above.

24 (iii) Satisfactory completion of an examination for
 25 master plumbers testing his knowledge of the plumbing

1 business field of plumbing and demonstrating his familiarity
 2 skill and ability with---business---practices---normally
 3 encountered--in--the--plumbing--business in the field of
 4 plumbing.

5 (iv) A master plumber is not authorized to perform the
 6 work of a journeyman plumber unless he is also licensed as a
 7 journeyman plumber. A licensed master plumber may employ
 8 apprentice and only journeyman plumbers who are licensed by
 9 the state of Montana, in the conduct of his business and
 10 shall be responsible for assuring that all work performed by
 11 such employees shall be in compliance with the state
 12 plumbing code."

13 Section 4. Section 66-2403, R.C.M. 1947, is amended to
 14 read as follows:

15 "66-2403. Compensation -- examination of applicants.

16 (1) A member of the board is entitled to a compensation in
 17 the amount of twenty dollars (\$20) plus per diem for each
 18 day while actually engaged in the work of the board.

19 (2) An applicant for a license to work ~~at-the--business~~
 20 in the field of plumbing shall be examined as to his
 21 qualifications by the department, subject to section
 22 82A-1603 (4). The department shall examine each applicant
 23 for a license, to determine his skill and qualifications and
 24 fitness-for-carrying-on-the-business-of as a master plumber
 25 or journeyman plumber, ~~and--if--the~~ The applicant upon

1 successfully ~~passes~~ passing the examination prescribed by
 2 the board, then shall be issued a license ~~shall be issued to~~
 3 ~~the applicant~~ authorizing him to engage in the ~~business and~~
 4 ~~occupation of~~ field of plumbing as a master plumber or
 5 journeyman plumber, ~~as the case may be. The license, when~~
 6 ~~issued, authorizes the holder to carry on the business of a~~
 7 ~~master plumber or a journeyman plumber, as the case may be,~~
 8 ~~in any city or town in this~~ the state of Montana."

9 Section 5. Section 66-2404, R.C.M. 1947, is amended to
 10 read as follows:

11 "66-2404. Application for license -- information
 12 required -- individual -- firms or corporations. A person,
 13 firm, or corporation desiring to engage in or work in the
 14 business field of plumbing, either as a master plumber or as
 15 a journeyman plumber, in this state, shall ~~apply~~ make
 16 application to the department by filing a written
 17 application stating his place of residence, age, experience,
 18 and the place where he has acquired his experience, and
 19 shall at a time and place designated by the board be
 20 examined as to his qualifications for ~~the~~ a license. In the
 21 case of a firm or corporation, the examination and ~~issuing~~
 22 ~~issuance~~ of a license to ~~one of its members~~ an individual of the
 23 firm, or to ~~the manager~~ a principal of the firm or
 24 corporation, satisfies the requirements of this act as to
 25 master plumbers, but not as to journeymen plumbers. ~~A person~~

1 ~~may not~~ No individual, firm or corporation may do the work
 2 of a master plumber unless licensed under this act.

3 A master plumber shall not allow his license to be used
 4 by any person, or firm, corporation, or business other than
 5 his own, for the purpose of obtaining permits, or for going
 6 plumbing work under his license."

7 Section 6. Section 66-2406, R.C.M. 1947, is amended to
 8 read as follows:

9 "66-2406. Apprentices -- rules -- record. This act
 10 does not prohibit a person from working as an apprentice in
 11 the trade of plumbing with a plumber licensed by the
 12 department under the supervision of a licensed journeyman
 13 plumber, and under the rules made by the board ONLY THOSE
 14 APPRENTICES REGISTERED WITH THE STATE APPRENTICESHIP BOARD,
 15 LABOR STANDARDS DIVISION, DEPARTMENT OF LABOR AND INDUSTRY
 16 WILL BE RECOGNIZED BY THE DEPARTMENT. The name and residence
 17 of each apprentice, and the names and residences of their
 18 employers, shall be filed with the department, and a record
 19 shall be kept by the department, ~~showing the names and~~
 20 ~~residences of these apprentices."~~

21 Section 7. Section 66-2411, R.C.M. 1947, is amended to
 22 read as follows:

23 "66-2411. Penalty for violations -- exceptions from
 24 act. Any person working at the business field of plumbing or
 25 maintaining or conducting a plumbing shop business in any

1 ~~incorporated--city--or--town--in--this--state,~~ or any individual
 2 ~~or who, while working at the business of plumbing, shall~~
 3 ~~connect plumbing to or disconnect~~ connects or disconnects
 4 ~~plumbing from a public water or sewer system of such a city~~
 5 ~~or town, which serves the public,~~ in violation of any
 6 provisions of this act, or at a time when he is not exempt
 7 from the provisions of this act pursuant to the provisions
 8 of a duly enacted and subsisting ordinance of such city or
 9 town shall be deemed guilty of a misdemeanor, and, upon
 10 conviction thereof in any court of competent jurisdiction,
 11 shall be punished by a fine of not less than ten dollars and
 12 not more than one hundred dollars ~~or imprisonment in a~~
 13 ~~county jail for a term not exceeding six (6) months, or~~
 14 ~~both~~ for each separate offense; provided, however, that
 15 this act shall not be construed to apply to, or affect,
 16 plumbing or pipefitting ~~in any smelter, mine, railroad or~~
 17 ~~manufacturing industry,~~ as indicated in the section
 18 66-2401(2) and section 65-2426 exceptions. ~~and that nothing~~
 19 ~~herein shall be construed to affect article VI of the state~~
 20 ~~of Montana plumbing code, rules and regulations."~~

21 Section 8. Section 66-2415, R.C.M. 1947, is amended to
 22 read as follows:

23 "66-2415. Act not to ~~require employment of licensed~~
 24 IMPOSE PENALTIES ON HIRING OF UNLICENSED plumbers. Nothing
 25 ~~in this act shall be construed as requiring that licensed~~

1 ~~plumbers be employed in the performance of any plumbing~~
 2 ~~work. This act shall not be construed as imposing any~~
 3 ~~penalty on any person for hiring or contracting with an~~
 4 ~~unlicensed person to do work in the field of plumbing.~~
 5 However, any person who shall himself engage in the field of
 6 plumbing at a time when he is not duly licensed shall be
 7 subject to the penalties imposed by this act."

8 Section 9. Section 66-2416, R.C.M. 1947, is amended to
 9 read as follows:

10 "66-2416. Minimum standards -- state plumbing code --
 11 fee for copy of code. (1) The board shall by rule prescribe
 12 minimum standards which are uniform and which are thereafter
 13 effective for all new plumbing installations or maintenance,
 14 except where exempt by section 66-2426. The rules shall
 15 contain the minimum requirements for plumbing set forth in
 16 the American standard national plumbing code, numbered AGA
 17 A40.8-1955, and published by the American society of
 18 mechanical engineers. Except as provided in subsection (2)
 19 of this section, on Upon approval of the department of
 20 administration, department of health and environmental
 21 sciences and the attorney general, and upon publication, the
 22 rules become the state plumbing code and have the force of
 23 law. A copy of the code shall be supplied to each person
 24 licensed under sections 66-2401 through 66-2411, or any
 25 other interested person, for ~~a fee of no more than five~~

1 ~~dollars--(\$5)~~ an amount equal to the actual current cost of
 2 the code plus postage.

3 (2) Rules relating to building and equipment standards
 4 covered by the state or a municipal building code are
 5 effective after approval by the department of administration
 6 and filing with the secretary of state."

7 Section 10. Section 66-2419, R.C.M. 1947, is amended
 8 to read as follows:

9 "66-2419. Revocation or suspension of license for work
 10 below minimum standards. Any person, firm, or corporation
 11 licensed under the provisions of Title 66, chapter 24 of
 12 the laws of the state of Montana who performs plumbing work
 13 in any-building-whatever the field of plumbing, below the
 14 minimum basic standards for plumbing as set forth in said
 15 state plumbing code ~~shall-have~~ is subject to having their
 16 license revoked or suspended by the state ~~plumbing-board~~
 17 board of plumbers."

18 Section 11. Section 66-2420, R.C.M. 1947, is amended
 19 to read as follows:

20 "66-2420. Revocation or suspension -- initiation of
 21 proceedings -- procedure. Proceedings for the revocation or
 22 suspension of a journeyman or master plumber's license may
 23 be taken by the board on its motion, for matters in its
 24 knowledge, or may be taken on the information of another.
 25 Accusations must be in writing, and verified by a party

1 familiar with the facts charged. On receiving the accusation
 2 the board shall, if it considers the accusation sufficient,
 3 make an order setting it for hearing, and requiring the
 4 accused to appear and answer the charge or accusation at the
 5 hearing, ~~in--the--county--in--which--the--alleged-violation~~
 6 ~~occurred."~~

7 Section 12. Section 66-2426, R.C.M. 1947, is amended
 8 to read as follows:

9 "66-2426. Exceptions from act. This act shall not be
 10 construed to apply to, or to affect, ~~installation-of-water~~
 11 ~~conditioner--services--in--private--dwellings--or~~ plumbing
 12 installations in any mines, mills, smelters, refineries,
 13 ~~reduction--works,~~ public utilities, ~~manufacturing-industries~~
 14 railroads, or plumbing installations on farms having their
 15 own individual water supply or sewage disposal system."

-End-