

*Senate* BILL NO. 265  
*See by request Board of Plumbers*

INTRODUCED BY  
A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 66-2427, R.C.M. 1947, TO PROVIDE FOR A PLUMBING FIXTURE AND SUPPLIES, WHOLESALE AND RETAIL, SALES LICENSE BY THE BOARD OF PLUMBERS; TO PROVIDE FOR A DEPOSIT OF FUNDS TO EARMARKED REVENUE FUND TO BE USED FOR ADMINISTRATION, INSPECTION AND ENFORCEMENT OF THE STATE PLUMBING CODE AND STATE PLUMBING LAWS; TO PROVIDE FOR EVIDENCE OF PAYMENT OF LICENSE FEE AND PENALTIES FOR VIOLATION."

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

Section 1. Section 66-2427, R.C.M. 1947, is amended to read as follows:

"66-2427. ~~Fixture--fee-----definition-----payment---penalty.--For-the-purpose-of-providing--adequate--inspection and--enforcement--of--the-state-plumbing-code-there-shall-be collected-a-fixture-fee-of-fifty-cents--(\$.56)--per--fixture for--every-fixture-installed-under-the-direction-of-a-master plumber.--For--this--purpose,--a--fixture--means--a--device connected--by--a--water-connection-to-a-water-system-or-by-a trap-to-a-sewer-line.--This-fixture--fee--is--payable--before installation--by-the-licensed-master-plumber-responsible-for installation-of-the-fixture.--It-is-payable-to-the-department~~

~~under--rules--adepted--by--the--board,--The--inspection--and enforcement--of--the-state-plumbing-code-are-assigned-to-the department.--Installation-of-fixtures-by--a--licensed--master plumber--without--payment--of--the--fee--subjects-the-master plumber-to-a-fine-of-one-hundred--dollars--(\$100)--for--each offense--or-to-forfeiture-of-his-bond-under-section-66-2405.~~  
Plumbing fixture and supplies sales license -- definition -- payment -- penalty. (1) For the purpose of providing adequate inspection and enforcement of the state plumbing code and the state plumbing laws provided for in this chapter, the board of plumbers shall collect an annual fee for wholesale and retail licenses to sell plumbing fixtures and supplies, as follows:  
(a) for wholesale plumbing fixtures and supplies an amount not to exceed six hundred dollars (\$600) per year;  
(b) for retail plumbing fixture and supplies an amount not to exceed two hundred dollars (\$200) per year.  
(2) For this purpose:  
(a) "Plumbing fixture" means an installed receptacle, device, or appliance which is supplied with water or which receives liquid or liquid-born wastes, and discharges that waste into the drainage system to which it may be directly or indirectly connected. Industrial or commercial tanks, vats, or similar processing equipment are not plumbing fixtures but may be connected to or discharged into approved

INTRODUCED BILL

-2- SB 265

1 traps or plumbing fixtures as provided for in the Uniform  
 2 Plumbing Code.

3 (b) "Plumbing supplies" means pipes, fittings, joining  
 4 materials, and appurtenances to plumbing fixtures which must  
 5 be utilized in the connection of plumbing fixtures to the  
 6 water supply system or to the sewer line.

7 (3) The annual fee for a license to sell plumbing  
 8 fixtures and supplies is payable to the department for  
 9 deposit to the earmarked revenue fund of the board of  
 10 plumbers. These fees are used to defray the costs of the  
 11 administration of the board and for the inspection and  
 12 enforcement of the state plumbing code and this act as  
 13 assigned to the department.

14 (4) The board shall issue, upon the receipt of a  
 15 properly completed application accompanied by the fee for  
 16 either a wholesale or retail license to sell plumbing  
 17 fixtures or supplies, the appropriate license to the  
 18 applicant. This license shall be displayed in a conspicuous  
 19 place in the establishment for which it is issued and  
 20 expires twelve (12) months after the date of issue. A  
 21 license may be renewed upon payment of the proper fee within  
 22 thirty (30) days of its expiration. If more than thirty  
 23 (30) days elapse before renewal, a penalty charge of one  
 24 percent (1%) per month of the annual fee for that license  
 25 shall be paid. After thirty (30) days without payment the

1 licensee is in violation of the law and shall cease selling  
 2 fixtures and supplies until the annual fee is paid.

3 (5) The board may suspend, revoke, or refuse to renew  
 4 any wholesale or retail license provided for in this act:

5 (a) obtained by false representation or fraud of any  
 6 character, or

7 (b) when the wholesaler or retailer sells plumbing  
 8 fixtures and supplies in violation of the state plumbing  
 9 code or this act, or

10 (c) when any person to whom a license has been granted  
 11 is convicted of violation of the provisions of this act or  
 12 of a felony, or

13 (d) when the wholesale or retail business is conducted  
 14 in violation of the provisions of this act.

15 Before any license may be revoked, the holder thereof  
 16 is entitled to a hearing by the board after reasonable  
 17 notice by the board."

-End-

Approved by Committee  
on Labor & Employment  
Relations

SENATE BILL NO. 265

INTRODUCED BY LEE

(BY REQUEST OF BOARD OF PLUMBERS)

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION  
66-2427, R.C.M. 1947, ~~TO PROVIDE FOR A PLUMBING FIXTURE AND  
SUPPLIES, WHOLESALE AND RETAIL, SALES LICENSE BY THE BOARD  
OF PLUMBERS, TO PROVIDE FOR A DEPOSIT OF FUNDS TO EARMARKED  
REVENUE FUND TO BE USED FOR ADMINISTRATION, INSPECTION AND  
ENFORCEMENT OF THE STATE PLUMBING CODE AND STATE PLUMBING  
LAWS, TO PROVIDE FOR EVIDENCE OF PAYMENT OF LICENSE FEE AND  
PENALTIES FOR VIOLATION~~ TO PROVIDE FOR PLUMBING INSPECTION  
BY A PERMIT SYSTEM; TO PROVIDE FOR A DEPOSIT OF FEES TO  
EARMARKED REVENUE FUND TO BE USED FOR ADMINISTRATION,  
INSPECTION AND ENFORCEMENT OF THE STATE PLUMBING CODE AND  
STATE PLUMBING LAWS; AND TO PROVIDE PENALTIES FOR  
VIOLATION."

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

Section 1. Section 66-2427, R.C.M. 1947, is amended to  
read as follows:

"66-2427. ~~Fixture fee-----definition-----payment-----  
penalty.---For---the---purpose---of---providing---adequate---inspection  
and---enforcement---of---the---state---plumbing---code---there---shall---be  
collected---a---fixture---fee---of---fifty---cents---(\$0.50)---per---fixture~~

~~for every fixture installed under the direction of a master  
plumber.---For---this---purpose,---a---fixture---means---a---device  
connected by a water connection to a water system or by a  
trap to a sewer line. This fixture fee is payable before  
installation by the licensed master plumber responsible for  
installation of the fixture. It is payable to the department  
under rules adopted by the board. The inspection and  
enforcement of the state plumbing code are assigned to the  
department. Installation of fixtures by a licensed master  
plumber without payment of the fee subjects the master  
plumber to a fine of one hundred dollars (\$100) for each  
offense or to forfeiture of his bond under section 66-2405.  
Plumbing fixture and supplies sales license---definition---  
payment-----penalty.---(1)---For---the---purpose---of---providing  
adequate inspection and enforcement of the state plumbing  
code and the state plumbing laws provided for in this  
chapter, the board of plumbers shall collect an annual fee  
for wholesale and retail licenses to sell plumbing fixtures  
and supplies, as follows:~~

~~(a)---for wholesale plumbing fixtures and supplies an  
amount not to exceed six hundred dollars (\$600) per year;~~

~~(b)---for retail plumbing fixture and supplies an amount  
not to exceed two hundred dollars (\$200) per year;~~

~~(2)---For this purpose:~~

~~(a)---"Plumbing fixture" means an installed receptacle;~~

1 device or appliance which is supplied with water or which  
 2 receives liquid or liquid-borne wastes, and discharges that  
 3 waste into the drainage system to which it may be directly  
 4 or indirectly connected, industrial or commercial tanks,  
 5 vats, or similar processing equipment are not plumbing  
 6 fixtures but may be connected to or discharged into approved  
 7 traps or plumbing fixtures as provided for in the Uniform  
 8 Plumbing Code.

9 (b) "Plumbing supplies" means pipes, fittings, joining  
 10 materials, and appurtenances to plumbing fixtures which must  
 11 be utilized in the connection of plumbing fixtures to the  
 12 water supply system or to the sewer line.

13 (3) The annual fee for a license to sell plumbing  
 14 fixtures and supplies is payable to the department for  
 15 deposit to the earmarked revenue fund of the board of  
 16 plumbers. These fees are used to defray the costs of the  
 17 administration of the board and for the inspection and  
 18 enforcement of the state plumbing code and this act as  
 19 assigned to the department.

20 (4) The board shall issue, upon the receipt of a  
 21 properly completed application accompanied by the fee for  
 22 either a wholesale or retail license to sell plumbing  
 23 fixtures or supplies, the appropriate license to the  
 24 applicant. This license shall be displayed in a conspicuous  
 25 place in the establishment for which it is issued and

1 expires twelve (12) months after the date of issue. A  
 2 license may be renewed upon payment of the proper fee within  
 3 thirty (30) days of its expiration. If more than thirty  
 4 (30) days elapse before renewal a penalty charge of one  
 5 percent (1%) per month of the annual fee for that license  
 6 shall be paid. After thirty (30) days without payment the  
 7 licensee is in violation of the law and shall cease selling  
 8 fixtures and supplies until the annual fee is paid.

9 (5) The board may suspend, revoke, or refuse to renew  
 10 any wholesale or retail license provided for in this act:

11 (a) obtained by false representation or fraud of any  
 12 character, or

13 (b) when the wholesaler or retailer sells plumbing  
 14 fixtures and supplies in violation of the state plumbing  
 15 code or this act, or

16 (c) when any person to whom a license has been granted  
 17 is convicted of violation of the provisions of this act or  
 18 of a felony, or

19 (d) when the wholesale or retail business is conducted  
 20 in violation of the provisions of this act.

21 Before any license may be revoked, the holder thereof  
 22 is entitled to a hearing by the board after reasonable  
 23 notice by the board. PERMIT FEE -- PAYMENT -- PENALTIES.

24 (1) IT IS UNLAWFUL FOR ANY PERSON TO INSTALL, REMOVE, ALTER,  
 25 REPAIR OR REPLACE OR CAUSE TO BE INSTALLED, REMOVED,

1 ALTERED, REPAIRED OR REPLACED ANY PLUMBING, GAS OR DRAINAGE  
 2 PIPING WORK OR ANY FIXTURE OR WATER HEATING OR TREATMENT  
 3 EQUIPMENT IN A BUILDING OR PREMISES WITHOUT FIRST OBTAINING  
 4 A PERMIT TO DO SUCH WORK FROM THE BOARD OF PLUMBERS OR ITS  
 5 AUTHORIZED REPRESENTATIVE.

6 A SEPARATE PERMIT SHALL BE OBTAINED FOR EACH BUILDING  
 7 OR STRUCTURE.

8 NO PERSON MAY ALLOW ANY OTHER PERSON TO DO OR CAUSE TO  
 9 BE DONE ANY WORK UNDER A PERMIT SECURED BY THE PERMITTEE  
 10 EXCEPT PERSONS IN HIS EMPLOY.

11 (2) NO PERMIT IS REQUIRED IN THE CASE OF ANY REPAIR  
 12 WORK AS FOLLOWS: THE STOPPING OF LEAKS IN DRAINS, SOIL,  
 13 WATER OR VENT PIPE, EXCEPT SHOULD ANY TRAP, DRAINAGE, SOIL,  
 14 WASTE OR VENT PIPE BE OR BECOME DEFECTIVE AND IT BECOMES  
 15 NECESSARY TO REMOVE AND REPLACE IT WITH NEW MATERIAL IN ANY  
 16 PART OR PARTS, IT SHALL BE CONSIDERED AS NEW WORK AND A  
 17 PERMIT SHALL BE PROCURED AND INSPECTION MADE. NO PERMIT IS  
 18 REQUIRED FOR THE CLEANING OF STOPPAGES OR THE REPAIRING OF  
 19 LEAKS IN PIPES, VALVES, OR FIXTURES, WHEN SUCH REPAIRS DO  
 20 NOT INVOLVE OR REQUIRE THE REPLACEMENT OR REARRANGEMENT OF  
 21 VALVES, PIPES, OR FIXTURES.

22 (3) ANY PERSON ENTITLED BY CHAPTER 24, TITLE 66,  
 23 R.C.M. 1947, TO APPLY FOR A PERMIT SHALL MAKE APPLICATION  
 24 ON FORMS PROVIDED BY THE BOARD. HE SHALL GIVE A DESCRIPTION  
 25 OF THE CHARACTER OF THE WORK PROPOSED TO BE DONE, AND THE

1 LOCATION, OWNERSHIP, OCCUPANCY AND USE OF THE PREMISES IN  
 2 CONNECTION THEREWITH. THE BOARD OF PLUMBERS OR ITS  
 3 AUTHORIZED REPRESENTATIVE MAY REQUIRE SKETCHES,  
 4 SPECIFICATIONS OR DRAWINGS AND SUCH OTHER INFORMATION IT  
 5 DEEMS NECESSARY IN ORDER TO DETERMINE THE SCOPE OF THE WORK  
 6 CONTEMPLATED.

7 IF THE BOARD DETERMINES THAT THE SKETCHES,  
 8 SPECIFICATIONS, DRAWINGS, DESCRIPTIONS AND INFORMATION  
 9 FURNISHED BY THE APPLICANT ARE IN COMPLIANCE WITH THE STATE  
 10 PLUMBING CODE, IT SHALL ISSUE THE PERMIT APPLIED FOR UPON  
 11 PAYMENT OF THE REQUIRED FEE AS ESTABLISHED BY THE BOARD.

12 (4) ANY PERSON WHO COMMENCES ANY WORK FOR WHICH A  
 13 PERMIT IS REQUIRED WITHOUT FIRST OBTAINING A PERMIT SHALL,  
 14 IF SUBSEQUENTLY PERMITTED TO OBTAIN A PERMIT, PAY DOUBLE THE  
 15 PERMIT FEE FOR THE WORK, EXCEPT THAT THIS PROVISION DOES NOT  
 16 APPLY TO EMERGENCY WORK WHEN IT IS PROVED TO THE  
 17 SATISFACTION OF THE BOARD OF PLUMBERS OR ITS AUTHORIZED  
 18 REPRESENTATIVE THAT THE WORK WAS URGENTLY NECESSARY AND THAT  
 19 IT WAS NOT PRACTICAL TO OBTAIN A PERMIT BEFORE THE  
 20 COMMENCEMENT OF THE WORK. IN ALL SUCH CASES, A PERMIT SHALL  
 21 BE OBTAINED AS SOON AS IT IS PRACTICAL TO DO SO, AND IF  
 22 THERE IS UNREASONABLE DELAY IN APPLYING FOR THE PERMIT, A  
 23 DOUBLE FEE SHALL BE CHARGED.

24 FOR THE PURPOSE OF THIS SECTION, A SANITARY PLUMBING  
 25 OUTLET ON OR TO WHICH A PLUMBING FIXTURE OR APPLIANCE MAY BE

1 SET OR ATTACHED SHALL BE CONSTRUED TO BE A FIXTURE. FEES  
 2 FOR RECONNECTION AND RETEST OF PLUMBING SYSTEMS IN RELOCATED  
 3 BUILDINGS SHALL BE BASED ON THE NUMBER OF PLUMBING FIXTURES,  
 4 GAS SYSTEMS, WATER HEATERS, AND THE LIKE INVOLVED.

5 WHEN A PERMIT HAS BEEN OBTAINED TO CONNECT AN EXISTING  
 6 BUILDING OR EXISTING WORK TO THE PUBLIC SEWER OR TO CONNECT  
 7 TO A NEW PRIVATE DISPOSAL FACILITY, BACKFILLING OF PRIVATE  
 8 SEWAGE DISPOSAL FACILITIES ABANDONED CONSEQUENT TO THE  
 9 CONNECTION IS INCLUDED IN THE PERMIT.

10 THE BOARD OF PLUMBERS SHALL ESTABLISH FEES IN  
 11 ACCORDANCE WITH THE MONTANA ADMINISTRATIVE PROCEDURE ACT AND  
 12 THE FEES SHALL BE DEPOSITED TO THE EARMARKED REVENUE FUND OF  
 13 THE BOARD OF PLUMBERS FOR USE IN THE ADMINISTRATION AND  
 14 ENFORCEMENT OF THIS ACT AND THE MONTANA STATE PLUMBING CODE.

15 (5) ALL PLUMBING AND DRAINAGE SYSTEMS MAY BE INSPECTED  
 16 BY THE BOARD OF PLUMBERS OR THEIR AUTHORIZED REPRESENTATIVE  
 17 TO INSURE COMPLIANCE WITH THE REQUIREMENTS OF THE STATE  
 18 PLUMBING CODE.

19 (6) IT IS THE DUTY OF THE PERSON DOING WORK AUTHORIZED  
 20 BY THE PERMIT TO NOTIFY THE BOARD ORALLY OR IN WRITING, THAT  
 21 THE WORK IS READY FOR INSPECTION. THE NOTIFICATION SHALL BE  
 22 GIVEN NOT LESS THAN TWENTY-FOUR (24) HOURS BEFORE THE WORK  
 23 IS TO BE INSPECTED.

24 IT IS THE DUTY OF THE PERSON DOING THE WORK AUTHORIZED  
 25 BY THE PERMIT TO ENSURE THAT THE WORK PERFORMED BEFORE

1 NOTIFICATION AND AFTER NOTIFICATION PENDING INSPECTION  
 2 COMPLIES WITH THE STATE PLUMBING CODE.

3 (7) WHENEVER ANY WORK IS BEING DONE CONTRARY TO THE  
 4 PROVISIONS OF THE STATE PLUMBING CODE, THE BOARD OR ITS  
 5 AUTHORIZED REPRESENTATIVE MAY ORDER WORK STOPPED BY NOTICE  
 6 IN WRITING SERVED ON ANY PERSON ENGAGED IN THE WORK.

7 (8) THE BOARD MAY SUSPEND OR REVOKE A PERMIT, WHENEVER  
 8 IT IS ISSUED IN ERROR OR ON THE BASIS OF INCORRECT  
 9 INFORMATION SUPPLIED, OR WORK PERFORMED THEREUNDER IS IN  
 10 VIOLATION OF ANY OF THE PROVISIONS OF TITLE 66, CHAPTER 24,  
 11 R.C.M. 1947.

12 (9) THE BOARD OF PLUMBERS OR ANY EMPLOYEE CHARGED WITH  
 13 THE ENFORCEMENT OF THE STATE PLUMBING CODE, IS NOT  
 14 PERSONALLY LIABLE FOR ANY DAMAGE THAT MAY ACCRUE TO PERSONS  
 15 OR PROPERTY AS A RESULT OF ANY ACT REQUIRED OR BY REASON OF  
 16 ANY ACT OF OMISSION IN THE DISCHARGE OF HIS DUTIES. ANY  
 17 SUIT BROUGHT AGAINST THE BOARD OR ITS EMPLOYEES, BECAUSE OF  
 18 SUCH ACT OR OMISSION PERFORMED BY HIM IN THE ENFORCEMENT OF  
 19 ANY PROVISIONS OF THE MONTANA STATE PLUMBING CODE, SHALL BE  
 20 REPRESENTED BY THE ATTORNEY GENERAL OF THE STATE OF MONTANA  
 21 UNTIL FINAL TERMINATION OF THE PROCEEDING.

-End-

1 SENATE BILL NO. 265

2 INTRODUCED BY LEE

3 (BY REQUEST OF BOARD OF PLUMBERS)

4  
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION  
6 66-2427, R.C.M. 1947, ~~TO PROVIDE FOR A PLUMBING FIXTURE AND~~  
7 ~~SUPPLIES, WHOLESALE AND RETAIL, SALES LICENSE BY THE BOARD~~  
8 ~~OF PLUMBERS, TO PROVIDE FOR A DEPOSIT OF FUNDS TO EARMARKED~~  
9 ~~REVENUE FUND TO BE USED FOR ADMINISTRATION, INSPECTION AND~~  
10 ~~ENFORCEMENT OF THE STATE PLUMBING CODE AND STATE PLUMBING~~  
11 ~~LAWS, TO PROVIDE FOR EVIDENCE OF PAYMENT OF LICENSE FEE AND~~  
12 ~~PENALTIES FOR VIOLATION TO PROVIDE FOR PLUMBING INSPECTION~~  
13 ~~BY A PERMIT SYSTEM; TO PROVIDE FOR A DEPOSIT OF FEES TO~~  
14 ~~EARMARKED REVENUE FUND TO BE USED FOR ADMINISTRATION,~~  
15 ~~INSPECTION AND ENFORCEMENT OF THE STATE PLUMBING CODE AND~~  
16 ~~STATE PLUMBING LAWS; AND TO PROVIDE PENALTIES FOR~~  
17 ~~VIOLATION."~~

18  
19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

20 Section 1. Section 66-2427, R.C.M. 1947, is amended to  
21 read as follows:

22 "66-2427. ~~Fixture fee-----definition-----payment-----~~  
23 ~~penalty:---For---the---purpose---of---providing---adequate---inspection~~  
24 ~~and---enforcement---of---the---state---plumbing---code---there---shall---be~~  
25 ~~collected---a---fixture---fee---of---fifty---cents---(\$0.50)---per---fixture~~

1 ~~for every fixture installed under the direction of a master~~  
2 ~~plumber.---For---this---purpose,---a---fixture---means---a---device~~  
3 ~~connected by a water connection to a water system or by a~~  
4 ~~trap to a sewer line. This fixture fee is payable before~~  
5 ~~installation by the licensed master plumber responsible for~~  
6 ~~installation of the fixture. It is payable to the department~~  
7 ~~under rules adopted by the board. The inspection and~~  
8 ~~enforcement of the state plumbing code are assigned to the~~  
9 ~~department. Installation of fixtures by a licensed master~~  
10 ~~plumber without payment of the fee subjects the master~~  
11 ~~plumber to a fine of one hundred dollars (\$100) for each~~  
12 ~~offense or to forfeiture of his bond under section 66-2405.~~  
13 ~~Plumbing fixture and supplies sales license---definition---~~  
14 ~~payment-----penalty:---(1)---For---the---purpose---of---providing~~  
15 ~~adequate inspection and enforcement of the state plumbing~~  
16 ~~code and the state plumbing laws provided for in this~~  
17 ~~chapter, the board of plumbers shall collect an annual fee~~  
18 ~~for wholesale and retail licenses to sell plumbing fixtures~~  
19 ~~and supplies, as follows:~~

20 ~~(a)---for wholesale plumbing fixtures and supplies an~~  
21 ~~amount not to exceed six hundred dollars (\$600) per year;~~

22 ~~(b)---for retail plumbing fixture and supplies an amount~~  
23 ~~not to exceed two hundred dollars (\$200) per year;~~

24 ~~(2)---For this purpose:~~

25 ~~(a)---"Plumbing fixture" means an installed receptacle~~

1 device, or appliance which is supplied with water or which  
 2 receives liquid or liquid-borne wastes, and discharges that  
 3 waste into the drainage system to which it may be directly  
 4 or indirectly connected; Industrial or commercial tanks,  
 5 vats, or similar processing equipment are not plumbing  
 6 fixtures but may be connected to or discharged into approved  
 7 traps or plumbing fixtures as provided for in the Uniform  
 8 Plumbing Code;

9 (b) "Plumbing supplies" means pipes, fittings, joining  
 10 materials, and appurtenances to plumbing fixtures which must  
 11 be utilized in the connection of plumbing fixtures to the  
 12 water supply system or to the sewer line;

13 (3) The annual fee for a license to sell plumbing  
 14 fixtures and supplies is payable to the department for  
 15 deposit to the earmarked revenue fund of the board of  
 16 plumbers; These fees are used to defray the costs of the  
 17 administration of the board and for the inspection and  
 18 enforcement of the state plumbing code and this act as  
 19 assigned to the department;

20 (4) The board shall issue, upon the receipt of a  
 21 properly completed application accompanied by the fee for  
 22 either a wholesale or retail license to sell plumbing  
 23 fixtures or supplies, the appropriate license to the  
 24 applicant; This license shall be displayed in a conspicuous  
 25 place in the establishment for which it is issued and

1 expires twelve (12) months after the date of issue; A  
 2 license may be renewed upon payment of the proper fee within  
 3 thirty (30) days of its expiration; If more than thirty  
 4 (30) days elapse before renewal, a penalty charge of one  
 5 percent (1%) per month of the annual fee for that license  
 6 shall be paid; After thirty (30) days without payment the  
 7 licensee is in violation of the law and shall cease selling  
 8 fixtures and supplies until the annual fee is paid;

9 (5) The board may suspend, revoke, or refuse to renew  
 10 any wholesale or retail license provided for in this act:

11 (a) obtained by false representation or fraud of any  
 12 character; or

13 (b) when the wholesaler or retailer sells plumbing  
 14 fixtures and supplies in violation of the state plumbing  
 15 code or this act; or

16 (c) when any person to whom a license has been granted  
 17 is convicted of violation of the provisions of this act or  
 18 of a felony; or

19 (d) when the wholesale or retail business is conducted  
 20 in violation of the provisions of this act;

21 Before any license may be revoked, the holder thereof  
 22 is entitled to a hearing by the board after reasonable  
 23 notice by the board; PLUMBER FEE -- PAYMENT -- PENALTIES.

24 (1) IF IS UNLAWFUL FOR ANY PERSON TO INSTALL, REMOVE, ALTER,  
 25 REPAIR OR REPLACE OR CAUSE TO BE INSTALLED, REMOVED,



1 ~~ALTERED,--REPAIRED-OR-REPLACED-ANY-PLUMBING, GAS-OR-DRAINAGE~~  
 2 ~~PIPING-WORK-OR-ANY-FIXTURE-OR-WATER-HEATING-OR-TREATMENT~~  
 3 ~~EQUIPMENT--IN-A-BUILDING-OR-PREMISES-WITHOUT-FIRST-OBTAINING~~  
 4 ~~A-PERMIT-TO-DO-SUCH-WORK-FROM-THE-BOARD-OF-PLUMBERS--OR-ITS~~  
 5 ~~AUTHORIZED--REPRESENTATIVE.~~ (1) IT IS UNLAWFUL FOR ANY  
 6 PERSON TO ENGAGE IN THE BUSINESS, TRADE OR WORK HAVING TO DO  
 7 WITH THE INSTALLATION, REMOVAL, ALTERATION, OR REPAIR OF  
 8 PLUMBING AND DRAINAGE SYSTEMS OR PARTS THEREOF WITHOUT FIRST  
 9 OBTAINING A PERMIT FROM THE BOARD OF PLUMBERS.

10 A SEPARATE PERMIT SHALL BE OBTAINED FOR EACH BUILDING  
 11 OR STRUCTURE.

12 NO PERSON MAY ALLOW ANY OTHER PERSON TO DO OR CAUSE TO  
 13 BE DONE ANY WORK UNDER A PERMIT SECURED BY THE PERMITEE  
 14 EXCEPT PERSONS IN HIS EMPLOY.

15 (2) NO PERMIT IS REQUIRED IN THE CASE OF ANY REPAIR  
 16 WORK AS FOLLOWS: THE STOPPING OF LEAKS IN DRAINS, SOIL,  
 17 WATER OR VENT PIPE, EXCEPT SHOULD ANY TRAP, DRAINAGE, SOIL,  
 18 WASTE OR VENT PIPE BE OR BECOME DEFECTIVE AND IT BECOMES  
 19 NECESSARY TO REMOVE AND REPLACE IT WITH NEW MATERIAL IN ANY  
 20 PART OR PARTS, IT SHALL BE CONSIDERED AS NEW WORK AND A  
 21 PERMIT SHALL BE PROCURED AND INSPECTION MADE. NO PERMIT IS  
 22 REQUIRED FOR THE CLEANING OF STOPPAGES OR THE REPAIRING OF  
 23 LEAKS IN PIPES, VALVES, OR FIXTURES, WHEN SUCH REPAIRS DO  
 24 NOT INVOLVE OR REQUIRE THE REPLACEMENT OR REARRANGEMENT OF  
 25 VALVES, PIPES, OR FIXTURES. NO PERMIT IS REQUIRED WHERE THE

1 INSTALLATION IS EXEMPT UNDER THE PROVISIONS OF SECTION  
 2 66-2426. NOTHING CONTAINED IN THIS ACT SHALL PROHIBIT THE  
 3 OWNER OF A SINGLE FAMILY RESIDENCE USED EXCLUSIVELY FOR HIS  
 4 PERSONAL USE FROM MAKING AN INSTALLATION FOR ALL SANITARY  
 5 PLUMBING AND POTABLE WATER SUPPLY PIPING WITHOUT A PERMIT  
 6 PROVIDING HE DOES THE WORK HIMSELF.

7 (3) ANY PERSON--ENTITLED--BY--CHAPTER--247--TITLE--667  
 8 R.C.M.--1947, PERSONS REQUIRED BY THIS SECTION TO APPLY FOR  
 9 A PERMIT SHALL MAKE APPLICATION ON FORMS PROVIDED BY THE  
 10 BOARD. HE SHALL GIVE A DESCRIPTION OF THE CHARACTER OF THE  
 11 WORK PROPOSED TO BE DONE, AND THE LOCATION, OWNERSHIP,  
 12 OCCUPANCY AND USE OF THE PREMISES IN CONNECTION THEREWITH.  
 13 THE BOARD OF PLUMBERS OR ITS AUTHORIZED REPRESENTATIVE MAY  
 14 REQUIRE SKETCHES, SPECIFICATIONS OR DRAWINGS AND SUCH OTHER  
 15 INFORMATION IT DEEMS NECESSARY IN ORDER TO DETERMINE THE  
 16 SCOPE OF THE WORK CONTEMPLATED.

17 IF THE BOARD DETERMINES THAT THE SKETCHES,  
 18 SPECIFICATIONS, DRAWINGS, DESCRIPTIONS AND INFORMATION  
 19 FURNISHED BY THE APPLICANT ARE IN COMPLIANCE WITH THE STATE  
 20 PLUMBING CODE, IT SHALL ISSUE THE PERMIT APPLIED FOR UPON  
 21 PAYMENT OF THE REQUIRED FEE AS ESTABLISHED BY THE BOARD.

22 (4) ANY PERSON WHO COMMENCES ANY WORK FOR WHICH A  
 23 PERMIT IS REQUIRED WITHOUT FIRST OBTAINING A PERMIT SHALL,  
 24 IF SUBSEQUENTLY PERMITTED TO OBTAIN A PERMIT, PAY DOUBLE THE  
 25 PERMIT FEE FOR THE WORK, EXCEPT THAT THIS PROVISION DOES NOT

1 APPLY TO EMERGENCY WORK WHEN IT IS PROVED TO THE  
 2 SATISFACTION OF THE BOARD OF PLUMBERS OR ITS AUTHORIZED  
 3 REPRESENTATIVE THAT THE WORK WAS URGENTLY NECESSARY AND THAT  
 4 IT WAS NOT PRACTICAL TO OBTAIN A PERMIT BEFORE THE  
 5 COMMENCEMENT OF THE WORK. IN ALL SUCH CASES, A PERMIT SHALL  
 6 BE OBTAINED AS SOON AS IT IS PRACTICAL TO DO SO, AND IF  
 7 THERE IS UNREASONABLE DELAY IN APPLYING FOR THE PERMIT, A  
 8 DOUBLE FEE SHALL BE CHARGED.

9 FOR THE PURPOSE OF THIS SECTION, A SANITARY PLUMBING  
 10 OUTLET ON OR TO WHICH A PLUMBING FIXTURE OR APPLIANCE MAY BE  
 11 SET OR ATTACHED SHALL BE CONSTRUED TO BE A FIXTURE. FEES  
 12 FOR RECONNECTION AND RETEST OF PLUMBING SYSTEMS IN RELOCATED  
 13 BUILDINGS SHALL BE BASED ON THE NUMBER OF PLUMBING FIXTURES,  
 14 GAS SYSTEMS, WATER HEATERS, AND THE LIKE INVOLVED.

15 WHEN A PERMIT HAS BEEN OBTAINED TO CONNECT AN EXISTING  
 16 BUILDING OR EXISTING WORK TO THE PUBLIC SEWER OR TO CONNECT  
 17 TO A NEW PRIVATE DISPOSAL FACILITY, BACKFILLING OF PRIVATE  
 18 SEWAGE DISPOSAL FACILITIES ABANDONED CONSEQUENT TO THE  
 19 CONNECTION IS INCLUDED IN THE PERMIT.

20 THE BOARD OF PLUMBERS SHALL ESTABLISH PERMIT FEES IN  
 21 ACCORDANCE WITH THE MONTANA ADMINISTRATIVE PROCEDURE ACT AND  
 22 THE FEES SHALL BE DEPOSITED TO THE EARMARKED REVENUE FUND OF  
 23 THE BOARD OF PLUMBERS FOR USE IN THE ADMINISTRATION AND  
 24 ENFORCEMENT OF THIS ACT AND THE MONTANA STATE PLUMBING CODE.

25 (5) ALL PLUMBING AND DRAINAGE SYSTEMS MAY BE INSPECTED

1 BY THE BOARD OF PLUMBERS OR THEIR AUTHORIZED REPRESENTATIVE  
 2 TO INSURE COMPLIANCE WITH THE REQUIREMENTS OF THE STATE  
 3 PLUMBING CODE.

4 (6) IT IS THE DUTY OF THE PERSON DOING WORK AUTHORIZED  
 5 BY THE PERMIT TO NOTIFY THE BOARD ORALLY OR IN WRITING, THAT  
 6 THE WORK IS READY FOR INSPECTION. THE NOTIFICATION SHALL BE  
 7 GIVEN NOT LESS THAN TWENTY-FOUR (24) HOURS BEFORE THE WORK  
 8 IS TO BE INSPECTED.

9 IT IS THE DUTY OF THE PERSON DOING THE WORK AUTHORIZED  
 10 BY THE PERMIT TO ENSURE THAT THE WORK PERFORMED BEFORE  
 11 NOTIFICATION AND AFTER NOTIFICATION PENDING INSPECTION  
 12 COMPLIES WITH THE STATE PLUMBING CODE.

13 (7) WHENEVER ANY WORK IS BEING DONE CONTRARY TO THE  
 14 PROVISIONS OF THE STATE PLUMBING CODE, THE BOARD OR ITS  
 15 AUTHORIZED REPRESENTATIVE MAY, AFTER A HEARING CONDUCTED  
 16 UNDER THE PROVISIONS OF THE MONTANA ADMINISTRATIVE PROCEDURE  
 17 ACT, ORDER WORK STOPPED BY NOTICE IN WRITING SERVED ON ANY  
 18 PERSON ENGAGED IN THE WORK.

19 (8) THE BOARD MAY SUSPEND OR REVOKE A PERMIT, WHENEVER  
 20 IT IS ISSUED IN ERROR OR ON THE BASIS OF INCORRECT  
 21 INFORMATION SUPPLIED, OR WORK PERFORMED THEREUNDER IS IN  
 22 VIOLATION OF ANY OF THE PROVISIONS OF TITLE 66, CHAPTER 24,  
 23 R.C.M. 1947.

24 ~~(9) THE BOARD OF PLUMBERS OR ANY EMPLOYEE CHARGED WITH~~  
 25 ~~THE ENFORCEMENT OF THE STATE PLUMBING CODE, IS NOT~~

1 PERSONALLY--LIABLE-FOR-ANY-DAMAGE-THAT-MAY-ACCRUE-TO-PERSONS  
2 OR-PROPERTY-AS-A-RESULT-OF-ANY-ACT-REQUIRED-OR-BY-REASON--OF  
3 ANY--ACT--OF--OMISSION--IN-THE-DISCHARGE-OF-HIS-DUTIES,--ANY  
4 SUIT-BROUGHT-AGAINST-THE-BOARD-OR-ITS-EMPLOYEES,--BECAUSE--OF  
5 SUCH--ACT-OR-OMISSION-PERFORMED-BY-HIM-IN-THE-ENFORCEMENT-OF  
6 ANY-PROVISIONS-OF-THE-MONTANA-STATE-PLUMBING-CODE,--SHALL--BE  
7 REPRESENTED--BY-THE-ATTORNEY-GENERAL-OF-THE-STATE-OF-MONTANA  
8 UNTIL-FINAL-TERMINATION-OF-THE-PROCEEDING.

-End-

HOUSE OF REPRESENTATIVES

Date: March 17, 1975

HOUSE COMMITTEE ON LABOR & EMPLOYMENT RELATIONS AMENDMENTS TO SB 265

1. Amend page 5, section 1, subsection (2), lines 15 through 24.

Following: "(2)"

Strike: the remainder of these lines in their entirety.

2. Amend page 5, section 1, subsection (2), line 25.

Strike: "VALVES, PIPES, OR FIXTURES"

Insert: "No permit is required for any minor replacement or repair work, the performance of which does not have a significant potential for creating a condition hazardous to public health and safety. Determination of what constitutes minor replacement or repair work shall be made by the board of plumbers, subject to the right of the person affected to a hearing before the board"

3. Amend page 6, section 1, subsection (2), lines 3 and 4.

Following: "OWNER OF"

Strike: "A SINGLE FAMILY RESIDENCE USED EXCLUSIVELY FOR HIS PERSONAL USE"

4. Amend page 6, section 1, subsection (2), line 6.

Following: "HIMSELF."

Insert: "The provisions of this act do not apply to regularly employed maintenance personnel doing maintenance work on the business premises of their employer."

AND AS SO AMENDED  
BE CONCURRED IN

GNK/gtw

March 26, 1975

HOUSE OF REPRESENTATIVES

Committee of the Whole Amendment to HOUSE COMMITTEE ON  
LABOR AND EMPLOYMENT RELATIONS AMENDMENTS TO Senate Bill  
No. 265, third reading copy, as follows:

1. Amend Amendment No. 2

Following: "safety."

Strike: "Determination of what constitutes minor  
replacement or repair work shall be made by the board of  
plumbers, subject to the right of the person affected  
to a hearing before the board"

AND AS SO AMENDED

BE CONCURRED IN

March 26, 1975

HOUSE OF REPRESENTATIVES

Committee of the Whole Amendment to SENATE BILL NO. 265,  
third reading copy, as follows:

1. Amend page 6, Section 1 (3), line 17

Following: "board"

Insert: "or authorized representative"

AS SO AMENDED  
BE CONCURRED IN

March 26, 1975

HOUSE OF REPRESENTATIVES

Committee of the Whole Amendment to SENATE BILL NO. 265,  
third reading copy, as follows:

1. Amend page 6, Section 1 (2), line 2

Following: "66-2426"

Insert: "or 66-2401"

AS SO AMENDED  
BE CONCURRED IN

March 26, 1975

HOUSE OF REPRESENTATIVES

Committee of the Whole Amendment to SENATE BILL NO. 265  
third reading copy, as follows:

1. Amend page 6, Section 1 (2), line 3

Following: "OWNER"

Strike: "OF"

AS SO AMENDED  
BE CONCURRED IN

March 26, 1975

HOUSE OF REPRESENTATIVES

Committee of the Whole Amendment to HOUSE COMMITTEE ON LABOR  
AND EMPLOYMENT RELATIONS AMENDMENTS TO SENATE BILL NO. 265,

third reading copy, as follows:

1. Amend Amendment No. 4

Following: "employer"

Insert: "unless work is subject to the permit provisions  
of this act"

AS SO AMENDED

BE CONCURRED IN

1 SENATE BILL NO. 265

2 INTRODUCED BY LEE

3 (BY REQUEST OF BOARD OF PLUMBERS)

4  
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION  
6 66-2427, R.C.M. 1947, ~~TO PROVIDE FOR A PLUMBING FIXTURE AND~~  
7 ~~SUPPLIES, WHOLESALE AND RETAIL, SALES LICENSE BY THE BOARD~~  
8 ~~OF PLUMBERS, TO PROVIDE FOR A DEPOSIT OF FUNDS TO MARKED~~  
9 ~~REVENUE FUND TO BE USED FOR ADMINISTRATION, INSPECTION AND~~  
10 ~~ENFORCEMENT OF THE STATE PLUMBING CODE AND STATE PLUMBING~~  
11 ~~LAW, TO PROVIDE FOR EVIDENCE OF PAYMENT OF LICENSE FEE AND~~  
12 ~~PENALTIES FOR VIOLATION~~ TO PROVIDE FOR PLUMBING INSPECTION  
13 BY A PERMIT SYSTEM; TO PROVIDE FOR A DEPOSIT OF FEES TO  
14 EARMARKED REVENUE FUND TO BE USED FOR ADMINISTRATION,  
15 INSPECTION AND ENFORCEMENT OF THE STATE PLUMBING CODE AND  
16 STATE PLUMBING LAWS; AND TO PROVIDE PENALTIES FOR  
17 VIOLATION."

18  
19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

20 Section 1. Section 66-2427, R.C.M. 1947, is amended to  
21 read as follows:

22 "66-2427. ~~Fixture fee-----definition-----payment-----~~  
23 ~~penalty,---For---the---purpose---of---providing---adequate---inspection~~  
24 ~~and---enforcement---of---the---state---plumbing---code---there---shall---be~~  
25 ~~collected---a---fixture---fee---of---fifty---cents---(\$,50)---per---fixture~~

1 ~~for every fixture installed under the direction of a master~~  
2 ~~plumber.---For---this---purpose,---a---fixture---means---a---device~~  
3 ~~connected by a water connection to a water system or by a~~  
4 ~~trap to a sewer line. This fixture fee is payable before~~  
5 ~~installation by the licensed master plumber responsible for~~  
6 ~~installation of the fixture. It is payable to the department~~  
7 ~~under rules adopted by the board. The inspection and~~  
8 ~~enforcement of the state plumbing code are assigned to the~~  
9 ~~department. Installation of fixtures by a licensed master~~  
10 ~~plumber without payment of the fee subjects the master~~  
11 ~~plumber to a fine of one hundred dollars (\$100) for each~~  
12 ~~offense or to forfeiture of his bond under section 66-2405.~~  
13 ~~Plumbing fixture and supplies sales license-----definition---~~  
14 ~~payment-----penalty,---(1)---For---the---purpose---of---providing~~  
15 ~~adequate inspection and enforcement of the state plumbing~~  
16 ~~code and the state plumbing laws provided for in this~~  
17 ~~chapter, the board of plumbers shall collect an annual fee~~  
18 ~~for wholesale and retail licenses to sell plumbing fixtures~~  
19 ~~and supplies, as follows:~~

20 ~~(a)---for wholesale plumbing fixtures and supplies an~~  
21 ~~amount not to exceed six hundred dollars (\$600) per year,~~

22 ~~(b)---for retail plumbing fixture and supplies an amount~~  
23 ~~not to exceed two hundred dollars (\$200) per year,~~

24 ~~(2)---For this purpose:~~

25 ~~(a)---"Plumbing fixture" means an installed receptacle~~



device, or appliance which is supplied with water or which receives liquid or liquid-borne wastes and discharges that waste into the drainage system to which it may be directly or indirectly connected, Industrial or commercial tanks, vats, or similar processing equipment are not plumbing fixtures but may be connected to or discharged into approved traps or plumbing fixtures as provided for in the Uniform Plumbing Code.

(b) "Plumbing supplies" means pipes, fittings, joining materials, and appurtenances to plumbing fixtures which must be utilized in the connection of plumbing fixtures to the water supply system or to the sewer line.

(3) The annual fee for a license to sell plumbing fixtures and supplies is payable to the department for deposit to the earmarked revenue fund of the board of plumbers. These fees are used to defray the costs of the administration of the board and for the inspection and enforcement of the state plumbing code and this act as assigned to the department.

(4) The board shall issue, upon the receipt of a properly completed application accompanied by the fee for either a wholesale or retail license to sell plumbing fixtures or supplies, the appropriate license to the applicant. This license shall be displayed in a conspicuous place in the establishment for which it is issued and

expires twelve (12) months after the date of issue. A license may be renewed upon payment of the proper fee within thirty (30) days of its expiration. If more than thirty (30) days elapse before renewal a penalty charge of one percent (1%) per month of the annual fee for that license shall be paid. After thirty (30) days without payment the licensee is in violation of the law and shall cease selling fixtures and supplies until the annual fee is paid.

(5) The board may suspend, revoke, or refuse to renew any wholesale or retail license provided for in this act:

(a) obtained by false representation or fraud of any character, or

(b) when the wholesaler or retailer sells plumbing fixtures and supplies in violation of the state plumbing code or this act, or

(c) when any person to whom a license has been granted is convicted of violation of the provisions of this act or of a felony, or

(d) when the wholesale or retail business is conducted in violation of the provisions of this act.

Before any license may be revoked, the holder thereof is entitled to a hearing by the board after reasonable notice by the board. PERMIT FEE -- PAYMENT -- PENALTIES.

(1) IT IS UNLAWFUL FOR ANY PERSON TO INSTALL, REMOVE, ALTER, REPAIR OR REPLACE OR CAUSE TO BE INSTALLED, REMOVED,

ALTERED, REPAIRED OR REPLACED ANY PLUMBING, GAS OR DRAINAGE PIPING WORK OR ANY FIXTURE OR WATER HEATING OR TREATMENT EQUIPMENT IN A BUILDING OR PREMISES WITHOUT FIRST OBTAINING A PERMIT TO DO SUCH WORK FROM THE BOARD OF PLUMBERS OR ITS AUTHORIZED REPRESENTATIVE. (1) IT IS UNLAWFUL FOR ANY PERSON TO ENGAGE IN THE BUSINESS, TRADE, OR WORK HAVING TO DO WITH THE INSTALLATION, REMOVAL, ALTERATION, OR REPAIR OF PLUMBING AND DRAINAGE SYSTEMS OR PARTS THEREOF WITHOUT FIRST OBTAINING A PERMIT FROM THE BOARD OF PLUMBERS.

A SEPARATE PERMIT SHALL BE OBTAINED FOR EACH BUILDING OR STRUCTURE.

NO PERSON MAY ALLOW ANY OTHER PERSON TO DO OR CAUSE TO BE DONE ANY WORK UNDER A PERMIT SECURED BY THE PERMITEE EXCEPT PERSONS IN HIS EMPLOY.

(2) NO PERMIT IS REQUIRED IN THE CASE OF ANY REPAIR WORK AS FOLLOWS: THE STOPPING OF LEAKS IN DRAINS, SOIL, WATER OR VENT PIPE, EXCEPT SHOULD ANY TRAP, DRAINAGE, SOIL, WASTE OR VENT PIPE BE OR BECOME DEFECTIVE AND IF BECOMES NECESSARY TO REMOVE AND REPLACE IT WITH NEW MATERIAL IN ANY PART OR PARTS, IT SHALL BE CONSIDERED AS NEW WORK AND A PERMIT SHALL BE PROCURED AND INSPECTION MADE, NO PERMIT IS REQUIRED FOR THE CLEANING OF STOPPAGES OR THE REPAIRING OF LEAKS IN PIPES, VALVES, OR FIXTURES, WHEN SUCH REPAIRS DO NOT INVOLVE OR REQUIRE THE REPLACEMENT OR REARRANGEMENT OF VALVES, PIPES, OR FIXTURES NO PERMIT IS REQUIRED FOR ANY

MINOR REPLACEMENT OR REPAIR WORK, THE PERFORMANCE OF WHICH DOES NOT HAVE A SIGNIFICANT POTENTIAL FOR CREATING A CONDITION HAZARDOUS TO PUBLIC HEALTH AND SAFETY. DETERMINATION OF WHAT CONSTITUTES MINOR REPLACEMENT OR REPAIR WORK SHALL BE MADE BY THE BOARD OF PLUMBERS, SUBJECT TO THE RIGHT OF THE PERSON AFFECTED TO A HEARING BEFORE THE BOARD. NO PERMIT IS REQUIRED WHERE THE INSTALLATION IS EXEMPT UNDER THE PROVISIONS OF SECTION 66-2426 OR 66-2401. NOTHING CONTAINED IN THIS ACT SHALL PROHIBIT THE OWNER OF A SINGLE-FAMILY RESIDENCE USED EXCLUSIVELY FOR HIS PERSONAL USE RESIDENTIAL PROPERTY FROM MAKING AN INSTALLATION FOR ALL SANITARY PLUMBING AND POTABLE WATER SUPPLY PIPING WITHOUT A PERMIT PROVIDING HE DOES THE WORK HIMSELF. THE PROVISIONS OF THIS ACT DO NOT APPLY TO REGULARLY EMPLOYED MAINTENANCE PERSONNEL DOING MAINTENANCE WORK ON THE BUSINESS PREMISES OF THEIR EMPLOYER UNLESS WORK IS SUBJECT TO THE PERMIT PROVISIONS OF THIS ACT.

(3) ANY PERSON ENTITLED BY CHAPTER 24, TITLE 66, R.C.M., 1947 PERSONS REQUIRED BY THIS SECTION TO APPLY FOR A PERMIT SHALL MAKE APPLICATION ON FORMS PROVIDED BY THE BOARD OR AUTHORIZED REPRESENTATIVE. HE SHALL GIVE A DESCRIPTION OF THE CHARACTER OF THE WORK PROPOSED TO BE DONE, AND THE LOCATION, OWNERSHIP, OCCUPANCY AND USE OF THE PREMISES IN CONNECTION THEREWITH. THE BOARD OF PLUMBERS OR ITS AUTHORIZED REPRESENTATIVE MAY REQUIRE SKETCHES,

1 SPECIFICATIONS OR DRAWINGS AND SUCH OTHER INFORMATION IT  
 2 DEEMS NECESSARY IN ORDER TO DETERMINE THE SCOPE OF THE WORK  
 3 CONTEMPLATED.

4 IF THE BOARD DETERMINES THAT THE SKETCHES,  
 5 SPECIFICATIONS, DRAWINGS, DESCRIPTIONS AND INFORMATION  
 6 FURNISHED BY THE APPLICANT ARE IN COMPLIANCE WITH THE STATE  
 7 PLUMBING CODE, IT SHALL ISSUE THE PERMIT APPLIED FOR UPON  
 8 PAYMENT OF THE REQUIRED FEE AS ESTABLISHED BY THE BOARD.

9 (4) ANY PERSON WHO COMMENCES ANY WORK FOR WHICH A  
 10 PERMIT IS REQUIRED WITHOUT FIRST OBTAINING A PERMIT SHALL,  
 11 IF SUBSEQUENTLY PERMITTED TO OBTAIN A PERMIT, PAY DOUBLE THE  
 12 PERMIT FEE FOR THE WORK, EXCEPT THAT THIS PROVISION DOES NOT  
 13 APPLY TO EMERGENCY WORK WHEN IT IS PROVED TO THE  
 14 SATISFACTION OF THE BOARD OF PLUMBERS OR ITS AUTHORIZED  
 15 REPRESENTATIVE THAT THE WORK WAS URGENTLY NECESSARY AND THAT  
 16 IT WAS NOT PRACTICAL TO OBTAIN A PERMIT BEFORE THE  
 17 COMMENCEMENT OF THE WORK. IN ALL SUCH CASES, A PERMIT SHALL  
 18 BE OBTAINED AS SOON AS IT IS PRACTICAL TO DO SO, AND IF  
 19 THERE IS UNREASONABLE DELAY IN APPLYING FOR THE PERMIT, A  
 20 DOUBLE FEE SHALL BE CHARGED.

21 FOR THE PURPOSE OF THIS SECTION, A SANITARY PLUMBING  
 22 OUTLET ON OR TO WHICH A PLUMBING FIXTURE OR APPLIANCE MAY BE  
 23 SET OR ATTACHED SHALL BE CONSTRUED TO BE A FIXTURE. FEES  
 24 FOR RECONNECTION AND RETEST OF PLUMBING SYSTEMS IN RELOCATED  
 25 BUILDINGS SHALL BE BASED ON THE NUMBER OF PLUMBING FIXTURES,

1 GAS SYSTEMS, WATER HEATERS, AND THE LIKE INVOLVED.

2 WHEN A PERMIT HAS BEEN OBTAINED TO CONNECT AN EXISTING  
 3 BUILDING OR EXISTING WORK TO THE PUBLIC SEWER OR TO CONNECT  
 4 TO A NEW PRIVATE DISPOSAL FACILITY, BACKFILLING OF PRIVATE  
 5 SEWAGE DISPOSAL FACILITIES ABANDONED CONSEQUENT TO THE  
 6 CONNECTION IS INCLUDED IN THE PERMIT.

7 THE BOARD OF PLUMBERS SHALL ESTABLISH PERMIT FEES IN  
 8 ACCORDANCE WITH THE MONTANA ADMINISTRATIVE PROCEDURE ACT AND  
 9 THE FEES SHALL BE DEPOSITED TO THE EARMARKED REVENUE FUND OF  
 10 THE BOARD OF PLUMBERS FOR USE IN THE ADMINISTRATION AND  
 11 ENFORCEMENT OF THIS ACT AND THE MONTANA STATE PLUMBING CODE.

12 (5) ALL PLUMBING AND DRAINAGE SYSTEMS MAY BE INSPECTED  
 13 BY THE BOARD OF PLUMBERS OR THEIR AUTHORIZED REPRESENTATIVE  
 14 TO INSURE COMPLIANCE WITH THE REQUIREMENTS OF THE STATE  
 15 PLUMBING CODE.

16 (6) IT IS THE DUTY OF THE PERSON DOING WORK AUTHORIZED  
 17 BY THE PERMIT TO NOTIFY THE BOARD ORALLY OR IN WRITING, THAT  
 18 THE WORK IS READY FOR INSPECTION. THE NOTIFICATION SHALL BE  
 19 GIVEN NOT LESS THAN TWENTY-FOUR (24) HOURS BEFORE THE WORK  
 20 IS TO BE INSPECTED.

21 IT IS THE DUTY OF THE PERSON DOING THE WORK AUTHORIZED  
 22 BY THE PERMIT TO ENSURE THAT THE WORK PERFORMED BEFORE  
 23 NOTIFICATION AND AFTER NOTIFICATION PENDING INSPECTION  
 24 COMPLIES WITH THE STATE PLUMBING CODE.

25 (7) WHENEVER ANY WORK IS BEING DONE CONTRARY TO THE

1 PROVISIONS OF THE STATE PLUMBING CODE, THE BOARD OR ITS  
2 AUTHORIZED REPRESENTATIVE MAY, AFTER A HEARING CONDUCTED  
3 UNDER THE PROVISIONS OF THE MONTANA ADMINISTRATIVE PROCEDURE  
4 ACT, ORDER WORK STOPPED BY NOTICE IN WRITING SERVED ON ANY  
5 PERSON ENGAGED IN THE WORK.

6 (8) THE BOARD MAY SUSPEND OR REVOKE A PERMIT, WHENEVER  
7 IT IS ISSUED IN ERROR OR ON THE BASIS OF INCORRECT  
8 INFORMATION SUPPLIED, OR WORK PERFORMED THEREUNDER IS IN  
9 VIOLATION OF ANY OF THE PROVISIONS OF TITLE 66, CHAPTER 24,  
10 R.C.M. 1947.

11 ~~(9) -- THE BOARD OF PLUMBERS OR ANY EMPLOYEE CHARGED WITH~~  
12 ~~THE ENFORCEMENT OF THE STATE PLUMBING CODE, IS NOT~~  
13 ~~PERSONALLY LIABLE FOR ANY DAMAGE THAT MAY ACCRUE TO PERSONS~~  
14 ~~OR PROPERTY AS A RESULT OF ANY ACT REQUIRED OR BY REASON OF~~  
15 ~~ANY ACT OR OMISSION IN THE DISCHARGE OF HIS DUTIES, ANY~~  
16 ~~SUIT BROUGHT AGAINST THE BOARD OR ITS EMPLOYEES, BECAUSE OF~~  
17 ~~SUCH ACT OR OMISSION PERFORMED BY HIM IN THE ENFORCEMENT OF~~  
18 ~~ANY PROVISIONS OF THE MONTANA STATE PLUMBING CODE, SHALL BE~~  
19 ~~REPRESENTED BY THE ATTORNEY GENERAL OF THE STATE OF MONTANA~~  
20 ~~UNTIL FINAL TERMINATION OF THE PROCEEDING.~~

-End-