

1 H BILL NO. 196  
2 INTRODUCED BY FALK

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ABOLISH THE  
5 INSPECTION AND PERMITTING SYSTEM FOR ENFORCEMENT OF THE  
6 STATE PLUMBING CODE; AMENDING SECTION 66-2404; REPEALING  
7 SECTION 66-2427, R.C.M. 1947; AND PROVIDING AN IMMEDIATE  
8 EFFECTIVE DATE."

9  
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
11 Section 1. Section 66-2404, R.C.M. 1947, is amended to  
12 read as follows:

13 "66-2404. Application for license -- information  
14 required -- individual -- firms or corporations. ~~[[~~ A  
15 person, firm, or corporation desiring to engage in or work  
16 in the field of plumbing, either as a master plumber or as a  
17 journeyman plumber, in this state, shall make application to  
18 the department by filing a written application stating his  
19 place of residence, age, experience, and the place where he  
20 has acquired his experience, and shall at a time and place  
21 designated by the board be examined as to his qualifications  
22 for a license. In the case of a firm or corporation, the  
23 examination and issuance of a license to an individual of  
24 the firm, or to a principal of the firm or corporation,  
25 satisfies the requirements of this act as to master

1 plumbers, but not as to journeymen plumbers. No individual,  
2 firm, or corporation may do the work of a master plumber  
3 unless licensed under this act.

4 ~~[[2]~~ A master plumber ~~shall~~ may not allow his license  
5 to be used by any person, or firm, corporation, or business  
6 other than his own, ~~for the purpose of obtaining permits, or~~  
7 for doing plumbing work under his license."

8 Section 2. Repealer. Section 66-2427, R.C.M. 1947, is  
9 repealed.

10 Section 3. Effective date. This act is effective on  
11 its passage and approval.

-End-

HB196

Approved by Committee  
on Business and Industry

1 HOUSE BILL NO. 196  
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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ~~ABOLISH~~ CREATE  
5 CERTAIN EXEMPTIONS TO THE INSPECTION AND PERMITTING SYSTEM  
6 FOR ENFORCEMENT OF THE STATE PLUMBING CODE; AMENDING SECTION  
7 ~~66-2404~~ ~~AND REPEALING~~ SECTION 66-2427, R.C.M. 1947; AND  
8 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

11 Refer To Introduced Bill

12 (Strike everything after the enacting clause and insert:)

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

15 "66-2427. Permit fee -- payment -- penalties. (1) It  
16 is unlawful for any person to engage in the business, trade,  
17 or work having to do with the installation, removal,  
18 alteration, or repair of plumbing and drainage systems or  
19 parts thereof without first obtaining a permit from the  
20 board of plumbers.

21 A separate permit shall be obtained for each building  
22 or structure.

23 No person may allow any other person to do or cause to  
24 be done any work under a permit secured by the permittee  
25 except persons in his employ.

1 (2) No permit is required for any minor replacement or  
2 repair work, the performance of which does not have a  
3 significant potential for creating a condition hazardous to  
4 public health and safety. No permit is required where the  
5 installation is exempt under the provisions of section  
6 66-2426 or 66-2401. No permit is required whenever the  
7 installation occurs in an area governed by a municipality  
8 and where there is in effect a municipal building code which  
9 covers plumbing installations and which provides inspection  
10 procedures. No permit is required whenever the installation  
11 occurs within a county where the county governing body has  
12 hired local inspectors to enforce the state plumbing code.  
13 Nothing contained in this act shall prohibit the owner of  
14 residential property from making an installation for all  
15 sanitary plumbing and potable water supply piping without a  
16 permit providing he does the work himself. The provisions of  
17 this act do not apply to regularly employed maintenance  
18 personnel doing maintenance work on the business premises of  
19 their employer unless work is subject to the permit  
20 provisions of this act.

21 (3) Persons required by this section to apply for a  
22 permit shall make application on forms provided by the board  
23 or authorized representative. He shall give a description  
24 of the character of the work proposed to be done, and the  
25 location, ownership, occupancy and use of the premises in

1 connection therewith. The board of plumbers or its  
 2 authorized representative may require sketches,  
 3 specifications or drawings and such other information it  
 4 deems necessary in order to determine the scope of the work  
 5 contemplated.

6 If the board determines that the sketches,  
 7 specifications, drawings, descriptions and information  
 8 furnished by the applicant are in compliance with the state  
 9 plumbing code, it shall issue the permit applied for upon  
 10 payment of the required fee as established by the board.

11 (4) Any person who commences any work for which a  
 12 permit is required without first obtaining a permit shall,  
 13 if subsequently permitted to obtain a permit, pay double the  
 14 permit fee for the work, except that this provision does not  
 15 apply to emergency work when it is proved to the  
 16 satisfaction of the board of plumbers or its authorized  
 17 representative that the work was urgently necessary and that  
 18 it was not practical to obtain a permit before the  
 19 commencement of the work. In all such cases, a permit shall  
 20 be obtained as soon as it is practical to do so, and if  
 21 there is unreasonable delay in applying for the permit, a  
 22 double fee shall be charged.

23 For the purpose of this section, a sanitary plumbing  
 24 outlet on or to which a plumbing fixture or appliance may be  
 25 set or attached shall be construed to be a fixture. Fees

1 for reconnection and retest of plumbing systems in relocated  
 2 buildings shall be based on the number of plumbing fixtures,  
 3 gas systems, water heaters, and the like involved.

4 when a permit has been obtained to connect an existing  
 5 building or existing work to the public sewer or to connect  
 6 to a new private disposal facility, backfilling of private  
 7 sewage disposal facilities abandoned consequent to the  
 8 connection is included in the permit.

9 The board of plumbers shall establish permit fees in  
 10 accordance with the Montana Administrative Procedure Act and  
 11 the fees shall be deposited to the earmarked revenue fund of  
 12 the board of plumbers for use in the administration and  
 13 enforcement of this act and the Montana state plumbing code.

14 (5) All plumbing and drainage systems may be inspected  
 15 by the board of plumbers or their authorized representative  
 16 to insure compliance with the requirements of the state  
 17 plumbing code.

18 (6) It is the duty of the person doing work authorized  
 19 by the permit to notify the board orally or in writing, that  
 20 the work is ready for inspection. The notification shall be  
 21 given not less than ~~twenty-four~~ {24} hours before the work  
 22 is to be inspected.

23 It is the duty of the person doing the work authorized  
 24 by the permit to ensure that the work performed before  
 25 notification and after notification pending inspection

1 complies with the state plumbing code.

2 (7) Whenever any work is being done contrary to the  
3 provisions of the state plumbing code, the board or its  
4 authorized representative may, after a hearing conducted  
5 under the provisions of the Montana Administrative  
6 Procedure Act, order work stopped by notice in writing  
7 served on any person engaged in the work.

8 (8) The board may suspend or revoke a permit, whenever  
9 it is issued in error or on the basis of incorrect  
10 information supplied, or work performed thereunder is in  
11 violation of any of the provisions of Title 66, chapter 24,  
12 R.C.M. 1947."

13 Section 2. Effective date. This act is effective on  
14 its passage and approval.

-End-

1 HOUSE BILL NO. 196

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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ~~ABOLISH~~ CREATE  
5 CERTAIN EXEMPTIONS TO THE INSPECTION AND PERMITTING SYSTEM  
6 FOR ENFORCEMENT OF THE STATE PLUMBING CODE; AMENDING SECTION  
7 66-2404~~1~~--REPEALING--SECTION 66-2427, R.C.M. 1947; AND  
8 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

11 Refer To Introduced Bill

12 (Strike everything after the enacting clause and insert:)

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

15 "66-2427. Permit fee -- payment -- penalties. (1) It  
16 is unlawful for any person to engage in the business, trade,  
17 or work having to do with the installation, removal,  
18 alteration, or repair of plumbing and drainage systems or  
19 parts thereof without first obtaining a permit from the  
20 board of plumbers.

21 A separate permit shall be obtained for each building  
22 or structure.

23 No person may allow any other person to do or cause to  
24 be done any work under a permit secured by the permittee  
25 except persons in his employ.

1 (2) No permit is required for any minor replacement or  
2 repair work, the performance of which does not have a  
3 significant potential for creating a condition hazardous to  
4 public health and safety. No permit is required where the  
5 installation is exempt under the provisions of section  
6 66-2426 or 66-2401. No permit is required whenever the  
7 installation occurs in an area governed by a municipality  
8 and where there is in effect a municipal building code which  
9 covers plumbing installations and which provides inspection  
10 procedures. No permit is required whenever the installation  
11 occurs within a county where the county governing body has  
12 hired local inspectors to enforce the state plumbing code.  
13 Nothing contained in this act shall prohibit the owner of  
14 residential property from making an installation for all  
15 sanitary plumbing and potable water supply piping without a  
16 permit providing he does the work himself. The provisions of  
17 this act do not apply to regularly employed maintenance  
18 personnel doing maintenance work on the business premises of  
19 their employer unless work is subject to the permit  
20 provisions of this act.

21 (3) Persons required by this section to apply for a  
22 permit shall make application on forms provided by the board  
23 or authorized representative. He shall give a description  
24 of the character of the work proposed to be done, and the  
25 location, ownership, occupancy and use of the premises in

THIRD READING

1 connection therewith. The board of plumbers or its  
 2 authorized representative may require sketches,  
 3 specifications or drawings and such other information it  
 4 deems necessary in order to determine the scope of the work  
 5 contemplated.

6 If the board determines that the sketches,  
 7 specifications, drawings, descriptions and information  
 8 furnished by the applicant are in compliance with the state  
 9 plumbing code, it shall issue the permit applied for upon  
 10 payment of the required fee as established by the board.

11 (4) Any person who commences any work for which a  
 12 permit is required without first obtaining a permit shall,  
 13 if subsequently permitted to obtain a permit, pay double the  
 14 permit fee for the work, except that this provision does not  
 15 apply to emergency work when it is proved to the  
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 19 commencement of the work. In all such cases, a permit shall  
 20 be obtained as soon as it is practical to do so, and if  
 21 there is unreasonable delay in applying for the permit, a  
 22 double fee shall be charged.

23 For the purpose of this section, a sanitary plumbing  
 24 outlet on or to which a plumbing fixture or appliance may be  
 25 set or attached shall be construed to be a fixture. Fees

1 for reconnection and retest of plumbing systems in relocated  
 2 buildings shall be based on the number of plumbing fixtures,  
 3 gas systems, water heaters, and the like involved.

4 When a permit has been obtained to connect an existing  
 5 building or existing work to the public sewer or to connect  
 6 to a new private disposal facility, backfilling of private  
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14 (5) All plumbing and drainage systems may be inspected  
 15 by the board of plumbers or their authorized representative  
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18 (6) It is the duty of the person doing work authorized  
 19 by the permit to notify the board orally or in writing, that  
 20 the work is ready for inspection. The notification shall be  
 21 given not less than ~~twenty-four~~{24} hours before the work  
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23 It is the duty of the person doing the work authorized  
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2 (7) Whenever any work is being done contrary to the  
3 provisions of the state plumbing code, the board or its  
4 authorized representative may, after a hearing conducted  
5 under the provisions of the Montana Administrative  
6 Procedure Act, order work stopped by notice in writing  
7 served on any person engaged in the work.

8 (8) The board may suspend or revoke a permit, whenever  
9 it is issued in error or on the basis of incorrect  
10 information supplied, or work performed thereunder is in  
11 violation of any of the provisions of Title 66, chapter 24,  
12 R.C.M. 1947."

13 Section 2. Effective date. This act is effective on  
14 its passage and approval.

-End-

March 4, 1977

STANDING COMMITTEE REPORT  
Senate Committee on Business & Industry

That House Bill No. 196 be amended as follows:

1. Amend title, lines 7 and 8.

Following: "1947"

Strike: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Amend page 5, section 2, lines 13 and 14.

Following: line 12.

Strike: section 2 in its entirety.



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13 ~~Section 2, Effective date. This act is effective on~~  
14 ~~its passage and approval.~~

-End-