

Senate BILL NO. 433
Robert Lee Lockwood Watt Melhorn

INTRODUCED BY

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR SPECIALTY LICENSES FOR WARM AIR HEATING, VENTILATION, AND AIR CONDITIONING WORK AND TO OTHERWISE REVISE THE LICENSING LAWS RELATING TO THAT WORK; AMENDING SECTIONS 66-3503, 66-3506, 66-3507, 66-3508, 66-3509, 66-3510, 66-3512, 66-3513, 66-3514, 66-3515, AND 82A-1602.29, R.C.M. 1947."

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

Section 1. Section 66-3503, R.C.M. 1947, is amended to read as follows:

"66-3503. Definitions. As used in this act:

(1) "Board" means board of warm air heating, ventilation and air conditioning, provided for in section 82A-1602.29.

(2) "Department" means the department of professional and occupational licensing.

(3) "Warm air heating, ventilation, and air conditioning work" means construction, installation, alteration, maintenance and repair of all warm air heating systems complete with warm air appliances, ducts, registers and flues with or without air filters, humidity and thermostatic controls; ventilating systems complete with

blowers, ducts, plenum chambers, registers, with or without air filters, humidity and thermostatic controls; air conditioning systems, complete with air conditioning units, ducts, registers, air filters, humidity and thermostatic controls; and all equipment for air heating, ventilating, and air conditioning; blower and exhaust appliances and systems; and domestic and commercial forced air heating equipment. Warm air heating, ventilation, and air conditioning work does not include any portable heating, ventilating or air conditioning equipment, which does not become affixed to real property; and masonry fireplaces and component parts with masonry flues. ~~Further, such work does not include work relating to any fuel gas piping, fittings, valves, or other equipment that is upstream from the appliance shutoff fuel valve on warm air heating, ventilation or air conditioning equipment.~~

(4) "Master" means a person who has qualified for and been issued a master license by the board and who is thereby authorized to plan, bid for, and contract all or any of the phases of warm air heating, ventilation, or air conditioning work; and who, if also licensed as a journeyman mechanic, may perform such work with the tools of the trade.

(5) "Journeyman" means a person actively working with the tools of the trade performing all or any phase of warm air heating, ventilation, and air conditioning work and who

1 has qualified for and been issued a journeyman mechanic
2 license by the board.

3 (6) "Specialty licensee" means a person who has
4 qualified for and who has been issued an apprentice,
5 journeyman, or master specialty license authorizing
6 performance of work in a particular phase of warm air
7 heating, ventilation, and air conditioning work.

8 (7) "Phase of warm air heating, ventilation, and air
9 conditioning work" means the type of fuel or form of energy
10 utilized by a warm air heating, ventilation, or air
11 conditioning system."

12 Section 2. Section 66-3506, R.C.M. 1947, is amended to
13 read as follows:

14 "66-3506. Examination of applicant for license. An
15 applicant for a license to engage in warm air heating,
16 ventilation, or air conditioning work or any phase thereof
17 shall be examined as to his qualifications by the
18 department, subject to section 82A-1603(4). The department
19 shall examine each applicant for a license, to determine his
20 qualifications and fitness for carrying on warm air heating,
21 ventilation, or air conditioning work, or any phase thereof,
22 as a master or journeyman, and if the applicant successfully
23 passes the examination prescribed by the board, then a
24 license shall be issued to the applicant authorizing him to
25 engage in warm air heating, ventilation, or air conditioning

1 work as a master or journeyman in the state, subject to
2 other provisions of this act."

3 Section 3. Section 66-3507, R.C.M. 1947, is amended to
4 read as follows:

5 "66-3507. Persons exempt from examination. Persons
6 fulfilling the qualifications for applicants for licenses as
7 hereinafter provided and actively engaged in the business or
8 any phase thereof prior to July 1, 1975 1977, ~~and who are~~
9 ~~then actively engaged in warm air heating, ventilation, and~~
10 ~~sheet metal work,~~ shall not be required to take an
11 examination, but shall be issued ~~a~~ an appropriate license by
12 the board upon payment of the proper license fee before
13 January 1, 1976 1978, and upon posting a bond as herein
14 provided in the case of a master licensee."

15 Section 4. Section 66-3508, R.C.M. 1947, is amended to
16 read as follows:

17 "66-3508. Requirements for licensure. (1) The
18 following requirements shall be met by applicants for a
19 state license:

20 ~~(1)(a)~~ (a) Masters shall furnish evidence of ~~five (5)~~
21 years^a experience in warm air heating, ventilation, ~~and~~ or
22 air conditioning work or any phase thereof satisfactory to
23 the board and according to rules adopted for this purpose.

24 ~~(2)(b)~~ (b) Journeyman mechanics shall furnish evidence of
25 ~~four (4)~~^a years experience in warm air heating, ventilation,

1 ~~and or~~ air conditioning work ~~or any phase thereof~~ which is
 2 satisfactory to the board ~~and according to rules adopted for~~
 3 ~~this purpose~~. This experience requirement may be fulfilled
 4 by working ~~four--(4)--years*~~ in any major phase of the warm
 5 air heating, ventilation, and air conditioning business, or
 6 any phase or by completing an apprenticeship program meeting
 7 the standards set by the Montana state apprenticeship
 8 council or United States department of labor, bureau of
 9 apprenticeship, and credit towards this experience
 10 requirement shall be given for time spent in attending trade
 11 or other schools specializing in training in the warm air
 12 heating, ventilation, ~~and or~~ air conditioning business ~~or~~
 13 ~~any phase thereof~~ and approved by the board.

14 ~~(3)(C)~~ For apprentice mechanics:

15 ~~(a)(i)~~ registration by the board and the Montana
 16 apprenticeship council as an apprentice;

17 ~~(b)(iii)~~ working under the ~~direct--and--person*~~
 18 supervision of a duly licensed journeyman, learning the
 19 business ~~work of--warm--air--heating--ventilation--and--air~~
 20 ~~conditioning--and for which the apprentice seeks a~~
 21 ~~journeyman's license.~~

22 ~~(2) The scope of any journeyman's license issued to~~
 23 ~~any person upon completion of apprenticeship is limited to~~
 24 ~~that of the license of the journeyman under whom his full~~
 25 ~~apprenticeship was served.~~

1 ~~(c)(3)~~ apprentices Apprentices qualifying hereunder
 2 shall be issued apprentice ~~permits licenses~~ by the board.

3 ~~(4) A master licensee who does not hold a journeyman~~
 4 ~~license may not perform the work of a journeyman licensee.~~
 5 ~~Further, a master licensee may only employ persons, as to~~
 6 ~~work covered by this chapter, who have been licensed by the~~
 7 ~~board as journeyman or apprentice mechanics. A master~~
 8 ~~licensee shall be responsible for assuring that all work~~
 9 ~~covered by this chapter and performed by his employees is in~~
 10 ~~compliance with this chapter and rules adopted by the board.~~
 11 ~~A journeyman not doing work exempt under 66-3515, shall~~
 12 ~~work in the employ of a master licensee or a firm with which~~
 13 ~~a master licensee is associated.~~

14 Section 5. There is a new R.C.M. section numbered
 15 66-3508.1 that reads as follows:

16 66-3508.1. Specialty licenses. (1) The board may grant
 17 an apprentice, journeyman, or master specialty license to a
 18 person who furnishes evidence, satisfactory to the board and
 19 in accordance with rules adopted for this purpose, of
 20 experience in the particular phase of warm air heating,
 21 ventilation, or air conditioning work for which licensure is
 22 sought.

23 (2) Specialty licenses may be granted for phases
 24 corresponding to the following types of fuel or forms of
 25 energy:

- 1 (a) natural gas;
 2 (b) liquefied petroleum gas;
 3 (c) electricity;
 4 (d) coal;
 5 (e) forest products;
 6 (f) geothermal energy;
 7 (g) solar energy;
 8 (h) nuclear energy; and
 9 (i) oil.

10 (3) The board may by rule create additional specialty
 11 licenses for phases not included in subsection (2).

12 (4) A specialty license authorizes only the
 13 construction, installation, alteration, maintenance, and
 14 repair of systems using the type of fuel corresponding to
 15 the phase for which the license was granted. This limitation
 16 shall be clearly specified on the face of the license.

17 Section 6. Section 66-3509, R.C.M. 1947, is amended to
 18 read as follows:

19 "66-3509. License fees -- examination fees. Each
 20 applicant for a any master license shall pay a seventy-five
 21 dollar-(\$75) application fee, and each applicant for a any
 22 journeyman's license shall pay a thirty-five-dollar-(\$35)
 23 application fee. Each applicant for an apprentice license
 24 shall pay a \$5 application fee. A master licensee may not be
 25 required to pay any application fee for a journeyman

1 license. All licenses and renewals expire on-duty-1-of-each
 2 year 1 year from date of issuance. Renewal fees shall be
 3 set annually by the board and may not exceed the initial
 4 application fees. Examination fees shall be set by the
 5 board but may not to exceed fifty-dollars-(\$50) for a any
 6 master examination and twenty-five-dollars-(\$25) for a any
 7 journeyman examination."

8 Section 7. Section 66-3510, R.C.M. 1947, is amended to
 9 read as follows:

10 "66-3510. Bond to be deposited with board. A master
 11 license may not be issued until the applicant has deposited
 12 with the board a good and sufficient bond, approved by the
 13 board, in the amount of fifteen-thousand-dollars-(\$15,000)
 14 \$5,000, or cash in lieu thereof to insure the faithful
 15 performance of duties arising out of the provisions of this
 16 chapter and the rules of the board, running to the state of
 17 Montana for the use and benefit of any person who might have
 18 a--cause-of-action-of-any-nature-arising-from-or-out-of-work
 19 performed--or--installations--of--equipment--by--the--master
 20 licensee--or--the--firm--with--which--he--is--associated--Any
 21 person--having--a--cause--of--action--may--join--the--firm--with--which
 22 the--master--is--associated--and--the--surety--on--the--bond--in--the
 23 same--action--or--may--in--such--action--sue--either--the--firm--or
 24 the--surety--alone--The--term--"cause--of--action"--shall--be
 25 construed--to--include--claims--for--expenses--incurred--in

1 ~~correcting work which is not in conformance with the~~
 2 ~~applicable heating, ventilation, and air conditioning code.~~
 3 ~~The bond requirement may be waived if masters can provide~~
 4 ~~adequate liability insurance, one hundred thousand dollars~~
 5 ~~(\$100,000) or more, and furnish to the board precancellation~~
 6 ~~notice satisfactory to the board. If a master licensee is~~
 7 ~~employed by another that is the actual owner of a business~~
 8 ~~doing work covered by this chapter, that owner shall also~~
 9 ~~deposit with the board a good and sufficient bond or cash in~~
 10 ~~lieu thereof in a like amount to insure that the work~~
 11 ~~covered by this chapter and performed by employees of that~~
 12 ~~owner is in conformance with this chapter and the rules of~~
 13 ~~the board.~~"

14 Section 8. Section 66-3512, R.C.M. 1947, is amended to
 15 read as follows:

16 "66-3512. Revocation or suspension of license. Any
 17 licensee who performs, or any master licensee whose
 18 associated firm performs warm air heating, ventilation, and
 19 air conditioning work in any building whatsoever, below the
 20 standards set by the applicable warm air heating,
 21 ventilation, and air conditioning code, or violates any
 22 provision of this chapter or rule of the board may have his
 23 license revoked or suspended by the board. Proceedings for
 24 the revocation or suspension of a license may be commenced
 25 by the board upon its own motion, or upon motion of any

1 person. All complaints must be in writing, verified and
 2 filed with the department. The board may deem the complaint
 3 sufficient as received or require further investigation.
 4 When a complaint is deemed sufficient by the board, it shall
 5 provide for a hearing, at a specified time and place, and
 6 the department shall cause a true copy of notice of hearing
 7 and of the complaint to be served upon the licensee at least
 8 ten (10) days before the day appointed in the order for
 9 hearing."

10 Section 9. Section 66-3513, R.C.M. 1947, is amended to
 11 read as follows:

12 "66-3513. Unlawful conduct. It shall be unlawful:

13 (1) for any person or firm to perform, or to establish
 14 a place of business to perform, or to advertise for any work
 15 covered by this chapter, warm air heating, ventilation, or
 16 air conditioning work for another unless such person, or a
 17 full partner or ten percent (10%) or more shareholder of
 18 such firm, shall have first obtained a master license
 19 hereunder, provided that any person who is licensed as a
 20 journeyman may perform such work for a master licensee or a
 21 firm with which a master licensee is associated without
 22 first having obtained a license as provided in this chapter;
 23 and

24 (2) for equipment to be installed in this state unless
 25 evidence of permit fee payment an identifying tag or label

1 identifying the installer is attached in the manner
2 prescribed by the board rule."

3 Section 10. Section 66-3514, R.C.M. 1947, is amended
4 to read as follows:

5 "66-3514. Penalty. Any person or firm convicted of
6 violating the provisions of section 66-3513 shall be fined
7 not less than twenty dollars (\$20) and not more than five
8 hundred dollars (\$500) for each separate offense. A person
9 engaged in warm air heating, ventilation, or air
10 conditioning work or any phase thereof after July 1, 1975
11 1977, and who applies for a license prior to January 1, 1976
12 1978, is not in violation of this act until his application
13 for licensure is denied."

14 Section 11. Section 66-3515, R.C.M. 1947, is amended
15 to read as follows:

16 "66-3515. Exemptions from act. The licensing
17 provisions of this act do not apply or affect work done:

18 (a) by a homeowner on either his family dwelling or
19 outbuildings or both of them or person doing routine
20 maintenance in his place of business or rental housing;

21 (b) to provide fuel or refrigeration pipe lines, when
22 lines are connected to the installation of heating,
23 ventilating and air conditioning systems; or

24 (c) by railroads, smelters, underground mining
25 operations, mills or refineries on their properties, by self

1 or employees or other businesses doing their own routine
2 maintenance; or

3 (d) by employees of and on behalf of any company,
4 corporation, cooperative, association, or organization
5 lawfully engaged as a public utility, as defined in 70-103
6 or other applicable law, in the business of supplying and
7 selling to consumers electricity, natural gas, liquefied
8 petroleum gas, or other similar fuels. However, the work
9 done by any such exempt company, corporation, cooperative,
10 association, or organization shall meet all standards of the
11 applicable mechanical code adopted by the board, the same as
12 is required of other work covered by this chapter."

13 Section 12. Section 82A-1602.29, R.C.M. 1947, is
14 amended to read as follows:

15 "82A-1602.29. Board of warm air heating, ventilation,
16 and air conditioning -- appointment -- qualifications --
17 term. (1) There is a state board of warm air heating,
18 ventilation, and air conditioning.

19 (2) The board consists of ~~seven--(7)~~ eight members,
20 appointed by the governor. The members are:

21 (a) two (2) master and two (2) journeyman mechanics,
22 who shall be over the age of majority and residents of
23 Montana for at least one (1) year. After the first board,
24 each mechanic shall have been licensed pursuant to this act
25 at least two (2) years immediately preceding his

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1 appointment;

2 (b) one (1) representative of the department of
3 administration, chief of construction regulation bureau, who
4 shall act as secretary;

5 (c) one (1) attorney from the department; and

6 (d) one (1) representative of the state fire marshal's
7 office; and

8 ~~(e) one person who is actively engaged in and~~
9 ~~knowledgeable concerning the liquefied petroleum gas~~
10 ~~industry, over the age of majority and a resident of Montana~~
11 ~~for at least 1 year.~~

12 (3) Each member shall serve for a period of four (4)
13 years, provided, however, that four (4) members of the first
14 board shall serve as follows:

15 (a) one (1) master and one (1) journeyman for two (2)
16 years; and

17 (b) one (1) master and one (1) journeyman for three
18 (3) years.

19 (4) Each member of the board is entitled to
20 twenty-five dollars (\$25) per day for each day served
21 discharging his board duties, together with a per diem and
22 mileage expense allowance pursuant to sections 59-801 and
23 59-538. No member of the board shall be allowed compensation
24 in addition to his present compensation from the state.

25 (5) A majority of the members of the board constitute

1 a quorum necessary for the transaction of business.

2 (6) The board shall meet at least semiannually."

3 Section 13. Severability. If a part of this act is
4 invalid, all valid parts that are severable from the invalid
5 part remain in effect. If a part of this act is invalid in
6 one or more of its applications, the part remains in effect
7 in all valid applications that are severable from the
8 invalid applications.

-End-

STATE OF MONTANA

REQUEST NO. 495-77

FISCAL NOTE

Form BD-15

In compliance with a written request received February 14, 19 77, there is hereby submitted a Fiscal Note for Senate Bill 433 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly. Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

An act to provide for specialty licenses for warm air heating, ventilating and air conditioning; revising licensing laws.

ASSUMPTIONS:

1. 50 apprentices will be licensed at \$5.
2. Board will meet four times per year.

FISCAL IMPACT:

	<u>FY 78</u>	<u>FY 79</u>
Additional revenue due to proposed legislation	\$250	\$250
Compensation and travel for one additional board member	<u>800</u>	<u>800</u>
Net increase in expenditures due to proposed legislation	<u>\$550</u>	<u>\$550</u>

Richard L. Dwyer
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-18-77

Approved by Committee
on Business and Industry

SENATE BILL NO. 433

INTRODUCED BY R. SMITH, LEE, LOCKREM, WATT, MEHRENS

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR SPECIALTY LICENSES FOR WARM AIR HEATING, VENTILATION, AND AIR CONDITIONING WORK AND TO OTHERWISE REVISE THE LICENSING LAWS RELATING TO THAT WORK; AMENDING SECTIONS 66-3503, 66-3506, 66-3507, 66-3508, 66-3509, 66-3510, 66-3512, 66-3513, 66-3514, 66-3515, AND 82A-1602.29, R.C.M. 1947."

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"66-3503. Definitions. As used in this act:

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(2) "Department" means the department of professional and occupational licensing.

(3) "Warm air heating, ventilation, and air conditioning work" means construction, installation, alteration, maintenance and repair of all warm air heating systems complete with warm air appliances, ducts, registers and flues with or without air filters, humidity and thermostatic controls; ventilating systems complete with

blowers, ducts, plenum chambers, registers, with or without air filters, humidity and thermostatic controls; air conditioning systems, complete with air conditioning units, ducts, registers, air filters, humidity and thermostatic controls; and all equipment for air heating, ventilating, and air conditioning; blower and exhaust appliances and systems; and domestic and commercial forced air heating equipment. Warm air heating, ventilation, and air conditioning work does not include any portable heating, ventilating or air conditioning equipment, which does not become affixed to real property; and masonry fireplaces and component parts with masonry flues. ~~Further, such work does not include work relating to any fuel gas piping, fitting, valve, or other equipment that is upstream from the appliance shutoff fuel valve on warm air heating, ventilation, or air conditioning equipment.~~

~~(4) "Master" means a person who has qualified for and been issued a master license by the board and who is thereby authorized to plan, bid for, and contract all or any of the phases of warm air heating, ventilation, or air conditioning work; and who, if also licensed as a journeyman mechanic, may perform such work with the tools of the trade.~~

~~(5) "Journeyman" means a person actively working with the tools of the trade performing all or any phase of warm air heating, ventilation, and air conditioning work and who~~

SECOND READING

1 has qualified for and been issued a journeyman mechanic
2 license by the board.

3 (6) "Specialty licensee" means a person who has
4 qualified for and who has been issued an apprentice,
5 journeyman, or master specialty license authorizing
6 performance of work in a particular phase of warm air
7 heating, ventilation, and air conditioning work.

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12 Section 2. Section 66-3506, R.C.M. 1947, is amended to
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16 ventilation, or air conditioning work or any phase thereof
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18 department, subject to section 82A-1603(4). The department
19 shall examine each applicant for a license, to determine his
20 qualifications and fitness for carrying on warm air heating,
21 ventilation, or air conditioning work, or any phase thereof,
22 as a master or journeyman, and if the applicant successfully
23 passes the examination prescribed by the board, then a
24 license shall be issued to the applicant authorizing him to
25 engage in warm air heating, ventilation, or air conditioning

1 work as a master or journeyman in the state, subject to
2 other provisions of this act."

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11 examination, but shall be issued ~~a~~ an appropriate license by
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13 January 1, ~~1976~~ 1978, and upon posting a bond as herein
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1 ~~end or~~ air conditioning work or any phase thereof which is
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 18 supervision of a duly licensed journeyman, learning the
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 2 shall be issued apprentice ~~permits~~ licenses by the board.

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 4 license may not perform the work of a journeyman licensee.
 5 Further, a master licensee may only employ persons, as to
 6 work covered by this chapter, who have been licensed by the
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 8 licensee shall be responsible for assuring that all work
 9 covered by this chapter and performed by his employees is in
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24 shall pay a \$5 application fee. A master licensee may not be
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6 master examination and ~~twenty-five dollars~~ ~~{ \$25 }~~ for a ~~any~~
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15 performance of duties arising out of the provisions of this
16 chapter and the rules of the board, running to the state of
17 Montana for the use and benefit of any person who might have
18 a cause of action of any nature arising from or out of work
19 performed or installations of equipment by the master
20 licensee or the firm with which he is associated. Any
21 person having a cause of action may join the firm with which
22 the master is associated and the surety on the bond in the
23 same action or may in such action sue either the firm or
24 the surety alone. The term "cause of action" shall be
25 construed to include claims for expenses incurred in

1 ~~correcting work which is not in conformance with the~~
 2 ~~applicable heating, ventilation, and air conditioning codes~~
 3 ~~The bond requirement may be waived, if masters can provide~~
 4 ~~adequate liability insurance, one hundred thousand dollars~~
 5 ~~(\$100,000) or more, and furnish to the board pre-cancellation~~
 6 ~~notice, satisfactory to the board. If a master licensee is~~
 7 employed by another that is the actual owner of a business
 8 doing work covered by this chapter, that owner shall also
 9 deposit with the board a good and sufficient bond or cash in
 10 lieu thereof in a like amount to insure that the work
 11 covered by this chapter and performed by employees of that
 12 owner is in conformance with this chapter and the rules of
 13 the board."

14 Section 8. Section 66-3512, R.C.M. 1947, is amended to
 15 read as follows:

16 "66-3512. Revocation or suspension of license. Any
 17 licensee who performs, or any master licensee whose
 18 associated firm performs warm air heating, ventilation, and
 19 air conditioning work in any building whatsoever, below the
 20 standards set by the applicable warm air heating,
 21 ventilation, and air conditioning codes, or violates any
 22 provision of this chapter or rule of the board may have his
 23 license revoked or suspended by the board. Proceedings for
 24 the revocation or suspension of a license may be commenced
 25 by the board upon its own motion, or upon motion of any

1 person. All complaints must be in writing, verified and
 2 filed with the department. The board may deem the complaint
 3 sufficient as received or require further investigation.
 4 When a complaint is deemed sufficient by the board, it shall
 5 provide for a hearing, at a specified time and place, and
 6 the department shall cause a true copy of notice of hearing
 7 and of the complaint to be served upon the licensee at least
 8 ten (10) days before the day appointed in the order for
 9 hearing."

10 Section 9. Section 66-3513, R.C.M. 1947, is amended to
 11 read as follows:

12 "66-3513. Unlawful conduct. It shall be unlawful:

13 (1) for any person or firm to perform, or to establish
 14 a place of business to perform, or to advertise for any work
 15 covered by this chapter, warm air heating, ventilation, or
 16 air conditioning work for another unless such person, or a
 17 full partner or ten percent (10%) or more shareholder of
 18 such firm, shall have first obtained a master license
 19 hereunder, provided, that any person who is licensed as a
 20 journeyman may perform such work for a master licensee or a
 21 firm with which a master licensee is associated without
 22 first having obtained a license as provided in this chapter;
 23 and

24 (2) for equipment to be installed in this state unless
 25 evidence of permit fee payment an identifying tag or label

1 ~~identifying the installer~~ is attached in the manner
2 prescribed by ~~the board rule.~~"

3 Section 10. Section 66-3514, R.C.M. 1947, is amended
4 to read as follows:

5 "66-3514. Penalty. Any person or firm convicted of
6 violating the provisions of section 66-3513 shall be fined
7 not less than twenty dollars (\$20) and not more than five
8 hundred dollars (\$500) for each separate offense. A person
9 engaged in warm air heating, ventilation, or air
10 conditioning work or any phase thereof after July 1, 1975
11 1971, and who applies for a license prior to January 1, 1976
12 1978, is not in violation of this act until his application
13 for licensure is denied."

14 Section 11. Section 66-3515, R.C.M. 1947, is amended
15 to read as follows:

16 "66-3515. Exemptions from act. The licensing
17 provisions of this act do not apply or affect work done:

18 (a) by a homeowner on either his family dwelling or
19 outbuildings or both of them or person doing routine
20 maintenance in his place of business or rental housing;

21 (b) to provide fuel or refrigeration pipe lines, when
22 lines are connected to the installation of heating,
23 ventilating and air conditioning systems; or

24 (c) by railroads, smelters, underground mining
25 operations, mills or refineries on their properties, by self

1 or employees or other businesses doing their own routine
2 maintenance; or

3 ~~(d) by employees of and on behalf of any company,~~
4 ~~corporation, cooperative, association, or organization~~
5 ~~lawfully engaged as a public utility, as defined in 70-103~~
6 ~~or other applicable law, in the business of supplying and~~
7 ~~selling to consumers electricity, natural gas, liquefied~~
8 ~~petroleum gas, or other similar fuels; OR BY EMPLOYEES OF~~
9 ~~AND ON BEHALF OF ANY COMPANY, CORPORATION, ASSOCIATION OR~~
10 ~~ORGANIZATION LAWFULLY ENGAGED IN THE BUSINESS OF MOBILE~~
11 ~~HOME, MODULAR HOME, RECREATIONAL VEHICLE OR CAMPER~~
12 ~~MANUFACTURE, REPAIR, MAINTENANCE, OR SALES. However, the~~
13 ~~work done by any such exempt company, corporation,~~
14 ~~cooperative, associaton, or organization shall meet all~~
15 ~~standards of the applicable mechanical code adopted by the~~
16 ~~board, the same as is required of other work covered by this~~
17 ~~chapter."~~

18 Section 12. Section 82A-1602.29, R.C.M. 1947, is
19 amended to read as follows:

20 "82A-1602.29. Board of warm air heating, ventilation,
21 and air conditioning -- appointment -- qualifications --
22 term. (1) There is a state board of warm air heating,
23 ventilation, and air conditioning.

24 (2) The board consists of ~~seven--(7)~~ eight members,
25 appointed by the governor. The members are:

1 (a) two (2) master and two (2) journeyman mechanics,
 2 who shall be over the age of majority and residents of
 3 Montana for at least one (1) year. After the first board,
 4 each mechanic shall have been licensed pursuant to this act
 5 at least two (2) years immediately preceding his
 6 appointment;

7 (b) one (1) representative of the department of
 8 administration, chief of construction regulation bureau, who
 9 shall act as secretary;

10 (c) one (1) attorney from the department; and

11 (d) one (1) representative of the state fire marshal's
 12 office; and

13 ~~(e) one person who is actively engaged in and~~
 14 ~~knowledgeable concerning the liquified petroleum gas~~
 15 ~~industry, over the age of majority and a resident of Montana~~
 16 ~~for at least 1 year.~~

17 (3) Each member shall serve for a period of four (4)
 18 years, provided, however, that four (4) members of the first
 19 board shall serve as follows:

20 (a) one (1) master and one (1) journeyman for two (2)
 21 years; and

22 (b) one (1) master and one (1) journeyman for three
 23 (3) years.

24 (4) Each member of the board is entitled to
 25 twenty-five dollars (\$25) per day for each day served

1 discharging his board duties, together with a per diem and
 2 mileage expense allowance pursuant to sections 59-801 and
 3 59-538. No member of the board shall be allowed compensation
 4 in addition to his present compensation from the state.

5 (5) A majority of the members of the board constitute
 6 a quorum necessary for the transaction of business.

7 (6) The board shall meet at least semiannually."

8 Section 13. Severability. If a part of this act is
 9 invalid, all valid parts that are severable from the invalid
 10 part remain in effect. If a part of this act is invalid in
 11 one or more of its applications, the part remains in effect
 12 in all valid applications that are severable from the
 13 invalid applications.

-End-

SENATE BILL NO. 433

INTRODUCED BY R. SMITH, LEE, LOCKREM, WATT, MEHRENS

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR SPECIALTY LICENSES FOR WARM AIR HEATING, VENTILATION, AND AIR CONDITIONING WORK AND TO OTHERWISE REVISE THE LICENSING LAWS RELATING TO THAT WORK; AMENDING SECTIONS 66-3503, 66-3506, 66-3507, 66-3508, 66-3509, 66-3510, 66-3512, 66-3513, 66-3514, 66-3515, AND 82A-1602.29, R.C.M. 1947."

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

Section 1. Section 66-3503, R.C.M. 1947, is amended to read as follows:

"66-3503. Definitions. As used in this act:

(1) "Board" means board of warm air heating, ventilation and air conditioning, provided for in section 82A-1602.29.

(2) "Department" means the department of professional and occupational licensing.

(3) "Warm air heating, ventilation, and air conditioning work" means construction, installation, alteration, maintenance and repair of all warm air heating systems complete with warm air appliances, ducts, registers and flues with or without air filters, humidity and thermostatic controls; ventilating systems complete with

There are no changes in SB 433. THIRD READING
Please refer to yellow copy for complete text.

blowers, ducts, plenum chambers, registers, with or without air filters, humidity and thermostatic controls; air conditioning systems, complete with air conditioning units, ducts, registers, air filters, humidity and thermostatic controls; and all equipment for air heating, ventilating, and air conditioning; blower and exhaust appliances and systems; and domestic and commercial forced air heating equipment. Warm air heating, ventilation, and air conditioning work does not include any portable heating, ventilating or air conditioning equipment, which does not become affixed to real property; and masonry fireplaces and component parts with masonry flues. Further, such work does not include work relating to any fuel gas piping, fittings, valve, or other equipment that is upstream from the appliance shutoff fuel valve on warm air heating, ventilation, or air conditioning equipment.

(4) "Master" means a person who has qualified for and been issued a master license by the board and who is thereby authorized to plan, bid for, and contract all or any of the phases of warm air heating, ventilation, or air conditioning work; and who, if also licensed as a journeyman mechanic, may perform such work with the tools of the trade.

(5) "Journeyman" means a person actively working with the tools of the trade performing all or any phase of warm air heating, ventilation, and air conditioning work and who

1 has qualified for and been issued a journeyman mechanic
 2 license by the board.

3 (6) "Specialty licensee" means a person who has
 4 qualified for and who has been issued an apprentice
 5 journeyman, or master specialty license authorizing
 6 performance of work in a particular phase of warm air
 7 heating, ventilation, and air conditioning work.

8 ~~“(7) "Phase of warm air heating, ventilation, and air~~
 9 ~~conditioning work" means the type of fuel or form of energy~~
 10 ~~utilized by a warm air heating, ventilation, or air~~
 11 ~~conditioning system.”~~

12 Section 2. Section 66-3506, R.C.M. 1947, is amended to
 13 read as follows:

14 "66-3506. Examination of applicant for license. An
 15 applicant for a license to engage in warm air heating,
 16 ventilation, or air conditioning work or any phase thereof
 17 shall be examined as to his qualifications by the
 18 department, subject to section 82A-1603(4). The department
 19 shall examine each applicant for a license, to determine his
 20 qualifications and fitness for carrying on warm air heating,
 21 ventilation, or air conditioning work, or any phase thereof,
 22 as a master or journeyman, and if the applicant successfully
 23 passes the examination prescribed by the board, then a
 24 license shall be issued to the applicant authorizing him to
 25 engage in warm air heating, ventilation, or air conditioning

1 work as a master or journeyman in the state, subject to
 2 other provisions of this act."

3 Section 3. Section 66-3507, R.C.M. 1947, is amended to
 4 read as follows:

5 "66-3507. Persons exempt from examination. Persons
 6 fulfilling the qualifications for applicants for licenses as
 7 hereinafter provided and actively engaged in the business or
 8 any phase thereof prior to July 1, 1975 ~~1977~~, and ~~who are~~
 9 ~~then actively engaged in warm air heating, ventilation, and~~
 10 ~~sheet metal work,~~ shall not be required to take an
 11 examination, but shall be issued ~~a~~ an appropriate license by
 12 the board upon payment of the proper license fee before
 13 January 1, 1976 ~~1978~~, and upon posting a bond as herein
 14 provided in the case of a master licensee."

15 Section 4. Section 66-3508, R.C.M. 1947, is amended to
 16 read as follows:

17 "66-3508. Requirements for licensure. ~~(1)~~ The
 18 following requirements shall be met by applicants for a
 19 state license:

20 ~~(1)(a)~~ Masters shall furnish evidence of ~~five-(5)~~
 21 ~~years~~⁴ experience in warm air heating, ventilation, ~~and~~ or
 22 air conditioning work or any phase thereof satisfactory to
 23 the board and according to rules adopted for this purpose.

24 ~~(2)(b)~~ Journeyman mechanics shall furnish evidence of
 25 ~~four-(4)-years~~⁴ experience in warm air heating, ventilation,