

HOUSE BILL 843

IN THE HOUSE

February 16, 1979

Introduced and referred to  
Committee on Business and  
Industry.

February 20, 1979

Committee recommend bill, do  
not pass.

February 21, 1979

Report adopted.

1 House BILL NO. 843  
 2 INTRODUCED BY James Olson

3  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR  
 5 REGULATON OF THE INSULATION INDUSTRY BY THE DEPARTMENT OF  
 6 ADMINISTRATION; TO PROVIDE STANDARDS FOR INSTALLATION; TO  
 7 PROVIDE STANDARDS FOR INSULATION MATERIALS; TO REQUIRE  
 8 MANUFACTURERS TO TRAIN AND CERTIFY THE INSTALLERS OF THEIR  
 9 PRODUCTS; AND TO PROVIDE AN EFFECTIVE DATE."

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

12 Section 1. Purpose. The legislature recognizes that  
 13 conservation of energy is an essential part of the state  
 14 energy program and that insulation is a major element of  
 15 this program. It is the intent of the legislature,  
 16 therefore, to:

17 (1) set insulation standards that comply with the  
 18 Federal Energy Act;

19 (2) ensure that insulation materials meet minimum  
 20 standards;

21 (3) ensure that licensed insulation contractors and  
 22 installers meet certain competency standards; and

23 (4) set minimum insulation standards for space-heated  
 24 structures in Montana.

25 Section 2. Definitions. As used in [this act], the

1 following definitions apply:

2 (1) "Department" means the department of  
 3 administration.

4 (2) "HUD materials bulletin" means the periodic  
 5 bulletin published by the United States department of  
 6 housing and urban development recommending the use and  
 7 nonuses of building materials.

8 (3) "Qualified materials" means those materials  
 9 approved by the HUD materials bulletin and state  
 10 requirements that may be promulgated by the department of  
 11 administration and approved by the department for sale in  
 12 Montana.

13 (4) "Certification" means an insulation manufacturer's  
 14 statement that an individual is trained and approved by the  
 15 manufacturer to sell or install its product.

16 (5) "R value" means a material's resistance to heat  
 17 flow as set by the American society of heating,  
 18 refrigeration, and air conditioning engineers.

19 (6) "Ventilation standards" means those ventilation  
 20 standards set by the American society of heating,  
 21 refrigeration, and air conditioning engineers.

22 (7) "Vapor barrier" means a material that meets the  
 23 standards prescribed in the HUD materials bulletin for  
 24 resistance to water vapor or other moisture.

25 Section 3. Exemptions. The provisions of [this act] do

1 not apply or affect work done:

2 (1) by building owners installing insulation in their  
3 own structure;

4 (2) by building contractors installing insulation in a  
5 portion or incidental portion of a building or structure;

6 (3) by employees under the direct supervision of a  
7 licensed insulation installer;

8 (4) to insulation materials and products on hand  
9 before [the effective date of this act]; and

10 (5) to insulation materials, processes, and techniques  
11 not used to control heat transfer specifically associated  
12 with space heating and cooling of structures.

13 Section 4. Department powers and duties. The  
14 department of administration shall administer [this act] and  
15 shall:

16 (1) approve or disapprove all insulation products sold  
17 in Montana;

18 (2) maintain records of the tests to which insulation  
19 manufacturers have submitted their product;

20 (3) approve or disapprove all training programs for  
21 insulation installers and inspectors conducted by  
22 manufacturers;

23 (4) inspect any buildings or structures insulated by  
24 an installer;

25 (5) collect all revenue provided in [section 9];

1 (6) enforce the insulation standards prescribed in  
2 [section 12];

3 (7) promulgate rules governing the insulation  
4 industry;

5 (8) develop tests for insulation materials; and

6 (9) revoke a license for any reason for which it might  
7 have refused to grant the license on initial application or  
8 upon finding that the initial application contained a  
9 material misrepresentation.

10 Section 5. Materials qualification. (1) No insulation  
11 material may be used in Montana after 6 months from the  
12 effective date of this act unless it is first approved by  
13 the department after determining that the material meets all  
14 standards established by the department and the HUD  
15 materials bulletin.

16 (2) Manufacturers shall submit to the department  
17 copies of all tests performed on their materials according  
18 to the HUD materials bulletin and copies of other tests  
19 to comply with this section. If the product submitted  
20 consists of more than one component, all components are  
21 subject to the complete testing procedure and in the  
22 complete rating of the product.

23 (3) When a series of tests is performed, the tests  
24 must all be performed in the same laboratory on the same  
25 batch of product. The batch of product tested shall be

1 representative of all like products produced by the  
2 manufacturer.

3 (4) If there are changes in test procedures or  
4 requirements during the course of any one year, a complete  
5 retest is not required.

6 (5) The department shall maintain copies of submitted  
7 test material and annually publish a list of approved  
8 materials.

9 Section 6. Training. (1) Each insulation manufacturer  
10 is required to train the individuals and contractors who  
11 install or inspect its product.

12 (2) The training program for installers shall provide  
13 a minimum of 8 hours of classroom training annually in:

- 14 (a) the proper installation of materials;  
15 (b) the proper ventilation of structures;  
16 (c) the health and safety hazards to installers and  
17 consumers;  
18 (d) the proper use and maintenance of machinery;  
19 (e) a review of the state's building and fire codes;

20 and  
21 (f) any other installation techniques necessary to  
22 achieve the maximum insulation benefits with safety to  
23 installers, consumers, and to the insulated structure.

24 (3) Insulation inspectors are required to have the  
25 training required in subsection (2) and in addition to have

1 training in the following areas:

- 2 (a) inspection of workmanship on the job; and  
3 (b) inspection of contractor's facilities and  
4 machinery.

5 Section 7. Certification. (1) Insulation inspectors  
6 and installers shall be certified to work in Montana, after  
7 receiving the training in [section 6], when a manufacturer  
8 certifies that the individual or firm is qualified to use  
9 its product.

10 (2) Manufacturers shall report the names of  
11 individuals and firms certified by them to the department.  
12 The report shall be made semiannually and shall include a  
13 description of the manufacturer's training program for  
14 installers and inspectors.

15 (3) The manufacturer's certification shall be specific  
16 for the product, process, and the building application of  
17 the insulation material.

18 (4) Failure of a manufacturer to comply with  
19 subsections (2) and (3) voids all certifications issued by  
20 the manufacturer.

21 Section 8. Liability. Manufacturers are not liable for  
22 actions of installers or contractors beyond the scope of  
23 certification.

24 Section 9. Licenses and insulation fees. (1) No  
25 individual or firm may install or sell insulation products

1 in Montana unless certified by each manufacturer whose  
 2 product is sold, and unless licensed by the department. Each  
 3 applicant for an installer's license must pay \$25, and each  
 4 applicant for a dealer's license must pay \$10 to the  
 5 department.

6 (2) The department may waive the training requirements  
 7 for individuals or firms installing or selling insulation  
 8 for more than one manufacturer if the company's training  
 9 programs are substantially equivalent.

10 (3) All licenses and renewals expire on July 1 of each  
 11 year. Renewal fees shall be set annually by the department  
 12 and may not exceed the application fee.

13 (4) An insulation manufacturer shall annually pay \$250  
 14 for each of its products approved for insulation use in  
 15 Montana. The fee applies to all the manufacturer's qualified  
 16 materials specified by the manufacturer.

17 Section 10. Deposit of fees. The department is  
 18 authorized to use the revenue collected under [section 9]  
 19 for the administration of [this act]. Any revenue not used  
 20 for this purpose shall be returned to the general fund  
 21 within 30 days after the close of each fiscal year.

22 Section 11. Insulation standards for new buildings.  
 23 (1) Structures normally heated at 65 degrees F or more and  
 24 subject to frequent human occupancy are subject to the  
 25 following thermal resistance requirements:

1 (a) roofs or attics, R 38;

2 (b) exterior walls, R 20;

3 (c) floors exposed to exterior temperature, R 22.

4 (2) Structures normally heated at less than 65 degrees  
 5 F and subject to frequent or occasional human occupancy are  
 6 subject to the following thermal resistance requirements:

7 (a) roof or attic, R 30;

8 (b) exterior walls, R 11;

9 (c) floors exposed to exterior temperature, R 11.

10 (3) Structures heated less than 40% of the heating  
 11 season and subject to occasional human occupancy are subject  
 12 to the following thermal resistance requirements:

13 (a) attic or roof, R 22;

14 (b) exterior walls, R 8;

15 (c) floors exposed to exterior temperature, R 8.

16 (4) Except as provided in subsection (5), existing  
 17 structures insulated after the enactment of [this act] shall  
 18 conform to the standards prescribed in subsections (1), (2),  
 19 and (3).

20 (5) Existing structures financed by government loans  
 21 or grants shall conform to:

22 (a) the thermal resistance standards for attics and  
 23 roofs prescribed in [this section] within 10 years after  
 24 [the effective date of this act];

25 (b) the thermal resistance standards prescribed in

LC 0611/01

1 [this section] for exterior walls and floors within 15 years  
2 after [the effective date of this act].  
3 Section 12. Effective date. This act is effective on  
4 passage and approval.

-End-

STATE OF MONTANA

Request No. 408-79

FISCAL NOTE

Form BD-15

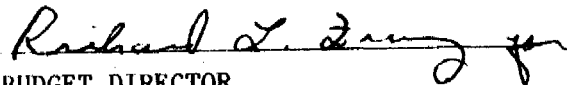
In compliance with a written request received February 20, 1979, there is hereby submitted a Fiscal Note for House Bill 843 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly. Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 843 provides for the regulation of the insulation industry by the Department of Administration; provide for standards for installation of insulation and for the insulation itself; provides for manufacturers training and certification of installers; and provides required ceiling, wall and floor insulation.

FISCAL IMPACT:

This bill killed in Business and Industry 1/21/79.

  
BUDGET DIRECTOR  
Office of Budget and Program Planning  
Date: 1/21/79