

HOUSE BILL NO. 707

INTRODUCED BY JENKINS, MANUEL, COMPTON, IVERSON

IN THE HOUSE

February 7, 1985	Introduced and referred to Committee on Business and Labor.
February 21, 1985	Committee recommend bill do pass as amended. Report adopted. Bill printed and placed on members' desks.
February 25, 1985	Second reading, do pass. Considered correctly engrossed.
February 26, 1985	Third reading, passed. Transmitted to Senate.

IN THE SENATE

March 4, 1985	Introduced and referred to Committee on Business and Industry.
March 20, 1985	Committee recommend bill be concurrent in as amended. Report adopted.
March 22, 1985	Motion pass consideration until 64th Legislative Day.
March 26, 1985	Second reading, concurred in.
March 28, 1985	Third reading, concurred in. Ayes, 43; Noes, 7. Returned to House with amendments.

IN THE HOUSE

March 28, 1985	Received from Senate.
April 8, 1985	Second reading, amendments not concurred in.
	On motion, Conference Committee requested.
April 9, 1985	Conference Committee appointed.
April 16, 1985	Conference Committee dissolved.
	On motion, Free Conference Committee requested and appointed.
April 18, 1985	Free Conference Committee reported.
April 19, 1985	Second reading, Free Conference Committee report adopted.
	Third reading, Free Conference Committee report adopted.
	Free Conference Committee report adopted by Senate.
April 20, 1985	Sent to enrolling.
	Reported correctly enrolled.

1 HOUSE BILL NO. 707
2 INTRODUCED BY Juan Manuel Compton
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE LAW
5 REGULATING PLUMBING; CLARIFYING THE DEFINITION OF "PLUMBING
6 SYSTEM"; REVISING EXCEPTIONS TO THE PLUMBING PRACTICE LAWS;
7 REMOVING THE REQUIREMENT FOR BOARD OF PLUMBERS APPROVAL FOR
8 UNLICENSED PERSONNEL WHEN A LICENSEE IS UNAVAILABLE;
9 AMENDING SECTIONS 37-69-101, 37-69-102, AND 37-69-301, MCA."

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
12 Section 1. Section 37-69-101, MCA, is amended to read:
13 "37-69-101. Definitions. Unless the context requires
14 otherwise, in this chapter the following definitions apply:
15 (1) "Board" means the board of plumbers provided for
16 in 2-15-1875.
17 (2) "Department" means the department of commerce
18 provided for in Title 2, chapter 15, part 18.
19 (3) "Drainage system" means all the piping inside the
20 walls of a building that conveys sewage or other liquid
21 wastes outside the building to the building sewer but that
22 does not extend more than 2 feet outside the building way.
23 (4) "Field of plumbing" means the business, trade, or
24 work having to do with the installation, removal,
25 alteration, or repair of plumbing and drainage systems or

1 parts thereof.

2 (5) "Journeyman plumber" means a person who is
3 authorized to make installation of all sanitary plumbing and
4 potable water supply piping and appliances connected
5 thereto.

6 (6) "Master plumber" means a person who is authorized
7 by this chapter to plan, estimate, bid, contract for, and
8 supervise plumbing work and who may do the work of a
9 journeyman plumber.

10 (7) "Plumbing system" means all potable water supply
11 and distribution pipes, plumbing fixtures and traps,
12 drainage and vent pipes, and building drains, including
13 their respective joints and connections, devices,
14 receptacles, and appurtenances, within the property lines of
15 any--premises up to 2 feet beyond the building foundation
16 line and includes potable water piping, water heaters, and
17 vents for the premises building.

18 (8) "Public sewer system" means any common sewer
19 carrying liquid wastes from two or more dwellings or any
20 other facility that serves the public.

21 (9) "Public water supply" means any community well,
22 water hauler for cisterns, water bottling plant, water
23 dispenser, or other water supply that serves 10 or more
24 families or 25 or more persons on a regular and continuous
25 basis."

Section 2. Section 37-69-102, MCA, is amended to read:

"37-69-102. Exceptions. (1) Licensure is not required in the following instances of plumbing installation:

(a) where an owner of a single-family residence used exclusively for his personal use makes the installation himself for all sanitary plumbing and potable water supply piping or where a mobile home dealer makes such installation to existing facilities as part of delivering and setting up a mobile home for a purchaser;

(b) in any mine, mill, smelter, refinery, or railroad;

~~(c) in farms, farm or ranches having their own private~~
ranch not connected to public water supply and sewage disposal systems;

~~(d) in for cities, and towns, water districts, and~~
water user associations extending their own city water and sewer mains;

~~(e) installation of water conditioner services in~~
private dwellings;

~~(f) minor work by employees or agents of an~~
appliance dealer incidental to the installation of an appliance purchased from the dealer.

(2) This chapter shall not be construed to apply to or to affect plumbing installations in any mines, mills, smelters, refineries, public utilities, railroads, or

plumbing installations on farms ~~having their own individual~~
or ranches not connected to public water supply or sewage
disposal system."

Section 3. Section 37-69-301, MCA, is amended to read:

"37-69-301. License required -- temporary exception by municipal resolution when licensed plumber not available. Any person working at the field of plumbing in any incorporated city, town, or in any other area served by a public water supply or a public sewer system in this state, either as a master plumber or as a journeyman plumber, or who while working at the field of plumbing shall connect plumbing to or disconnect plumbing from a public water supply or public sewer system shall first secure a state license as hereinafter provided. The council or commission of any city or town or board of directors or managers of a water or sewer district or water utility, in cases where a duly licensed person or persons are not reasonably available, may by ordinance, rule, or resolution duly adopted and upon reasonable notice to the board of plumbers ~~and upon their approval,~~ authorize the practice in the field of plumbing by a person or persons who have not obtained the state licenses as hereinafter provided until such time as a duly licensed person or persons are reasonably available."

NEW SECTION. Section 4. Extension of authority. Any existing authority of the board of plumbers to make rules on

LC 1658/01

- 1 the subject of the provisions of this act is extended to the
- 2 provisions of this act.

-End-

APPROVED BY COMM. ON
BUSINESS AND LABOR

HOUSE BILL NO. 707

INTRODUCED BY JENKINS, MANUEL, COMPTON, IVERSON

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE LAW
REGULATING PLUMBING; CLARIFYING THE DEFINITION OF "PLUMBING
SYSTEM"; REVISING AND PROVIDING EXCEPTIONS TO THE PLUMBING
PRACTICE LAWS; REMOVING THE REQUIREMENT FOR BOARD OF
PLUMBERS APPROVAL FOR UNLICENSED PERSONNEL WHEN A LICENSEE
IS UNAVAILABLE; PROVIDING FOR RECIPROCAL LICENSING OF
PLUMBERS LICENSED IN OTHER STATES; REVISING THE LICENSE
DISCIPLINE LAW; PROVIDING THAT A VIOLATION OF PROVISIONS OF
TITLE 37, CHAPTER 69, IS A MISDEMEANOR; AMENDING SECTIONS
37-69-101, 37-69-102, AND 37-69-301, AND 37-69-324, MCA; AND
REPEALING SECTION 37-69-321, MCA."

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

Section 1. Section 37-69-101, MCA, is amended to read:

"37-69-101. Definitions. Unless the context requires
otherwise, in this chapter the following definitions apply:

(1) "Board" means the board of plumbers provided for
in 2-15-1875.

(2) "Department" means the department of commerce
provided for in Title 2, chapter 15, part 18.

(3) "Drainage system" means all the piping inside the
walls of a building that conveys sewage or other liquid

wastes outside the building to the building sewer but that
does not extend more than 2 feet outside the building way.

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

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

(6) "Master plumber" means a person who is authorized
by this chapter to plan, estimate, bid, contract for, and
supervise plumbing work and who may do the work of a
journeyman plumber.

(7) (A) "Plumbing EXCEPT AS PROVIDED IN SUBSECTION
(7)(B), "PLUMBING system" means all potable water supply and
distribution pipes, plumbing fixtures and traps, drainage
and vent pipes, and building drains, including their
respective joints and connections, devices, receptacles, and
appurtenances, within the property lines of any premises up
to--2--feet--beyond--the--building--foundation--line WITHIN THE
PROPERTY LINES OF ANY PREMISES, and includes potable water
piping, water heaters, and vents for the premises building
PREMISES.

(B) AS DEFINED IN SUBSECTION (7)(A), "PLUMBING SYSTEM"

SECOND READING

1 DOES NOT INCLUDE WATER SERVICES INSTALLED AND MAINTAINED BY
 2 WATER DISTRICTS OR WATER USER ASSOCIATIONS IN WHICH WATER
 3 SERVICE IS INSTALLED BY ANY QUALIFIED PERSON APPOINTED OR
 4 HIRED BY THE ADMINISTRATIVE AUTHORITY OF THE WATER SYSTEM.

5 (8) "Public sewer system" means any common sewer
 6 carrying liquid wastes from two or more dwellings or any
 7 other facility that serves the public.

8 (9) "Public water supply" means any community well,
 9 water hauler for cisterns, water bottling plant, water
 10 dispenser, or other water supply that serves 10 or more
 11 families or 25 or more persons on a regular and continuous
 12 basis."

13 Section 2. Section 37-69-102, MCA, is amended to read:

14 "37-69-102. Exceptions. (1) Licensure is not required
 15 in the following instances of plumbing installation:

16 (a) where an owner of a single-family residence used
 17 exclusively for his personal use makes the installation
 18 himself for all sanitary plumbing and potable water supply
 19 piping or where a mobile home dealer makes such installation
 20 to existing facilities as part of delivering and setting up
 21 a mobile home for a purchaser;

22 (b) in any mine, mill, smelter, refinery, or
 23 railroad;

24 ~~(c) in farms~~ (C) IN A farm or ranches having their
 25 own-private ranch not connected to public water supply and

1 sewage disposal systems;

2 ~~(d)(c)(D)~~ in for IN cities, and towns, water
 3 districts, and water user associations extending their own
 4 city water and sewer mains;

5 ~~(e)(d)(E)~~ installation of water conditioner services
 6 in private dwellings;

7 ~~(f)(e)(F)~~ minor work by employees or agents of an
 8 appliance dealer incidental to the installation of an
 9 appliance purchased from the dealer; AND

10 (G) INSTALLATION OF A WATER METER BY A QUALIFIED
 11 PERSON APPOINTED BY THE ADMINISTRATIVE AUTHORITY OF THE
 12 WATER SYSTEM.

13 (2) This chapter shall not be construed to apply to or
 14 to affect plumbing installations in any mines, mills,
 15 smelters, refineries, public utilities, railroads, or
 16 plumbing installations on farms ~~having their own individual~~
 17 or ranches not connected to public water supply or sewage
 18 disposal system."

19 Section 3. Section 37-69-301, MCA, is amended to read:

20 "37-69-301. License required -- temporary exception by
 21 municipal resolution when licensed plumber not available.
 22 Any person working at the field of plumbing in any
 23 incorporated city, town, or in any other area served by a
 24 public water supply or a public sewer system in this state,
 25 either as a master plumber or as a journeyman plumber, or

1 who while working at the field of plumbing shall connect
 2 plumbing to or disconnect plumbing from a public water
 3 supply or public sewer system shall first secure a state
 4 license as hereinafter provided. The council or commission
 5 of any city or town or board of directors or managers of a
 6 water or sewer district or water utility, in cases where a
 7 duly licensed person or persons are not ~~reasonably~~
 8 REASONABLY available, may by ordinance, rule, or resolution
 9 duly adopted and upon ~~reasonable~~ REASONABLE notice BY
 10 CERTIFIED LETTER to the board of plumbers ~~and--upon--their~~
 11 ~~approval~~, AND UPON THEIR APPROVAL, OR AFTER 30 DAYS FROM THE
 12 DATE OF THE POSTMARK OF THE CERTIFIED LETTER IF THE BOARD
 13 FAILS TO RESPOND TO THE CERTIFIED LETTER, authorize the
 14 practice in the field of plumbing by a person or persons who
 15 have not obtained the state licenses as hereinafter provided
 16 until such time as a duly licensed person or persons are
 17 ~~reasonably~~ REASONABLY available OR UNTIL THE BOARD OF
 18 PLUMBERS WITHDRAWS ITS AUTHORIZATION."

19 NEW SECTION. Section 4. Extension of authority. Any
 20 existing authority of the board of plumbers to make rules on
 21 the subject of the provisions of this act is extended to the
 22 provisions of this act.

23 NEW SECTION. SECTION 5. PLUMBERS LICENSED BY OTHER
 24 STATES -- RECIPROCITY. TO THE EXTENT THAT OTHER STATES THAT
 25 PROVIDE FOR THE LICENSING OF PLUMBERS PROVIDE FOR SIMILAR

1 ACTION, THE BOARD MAY GRANT LICENSES TO PLUMBERS LICENSED BY
 2 OTHER STATES ON PAYMENT BY THE APPLICANT OF THE REQUIRED FEE
 3 AND ON FURNISHING PROOF TO THE BOARD THAT THE APPLICANT HAS
 4 QUALIFICATIONS AT LEAST EQUAL TO THOSE PROVIDED HEREIN FOR
 5 APPLICANTS FOR WRITTEN EXAMINATIONS. APPLICANTS WHO QUALIFY
 6 FOR A LICENSE UNDER THIS SECTION ARE NOT REQUIRED TO TAKE A
 7 WRITTEN EXAMINATION. THE BOARD HAS AUTHORITY TO ADOPT RULES
 8 NECESSARY TO IMPLEMENT THIS ACTION.

9 NEW SECTION. SECTION 6. LICENSE DISCIPLINE. (1) THE
 10 BOARD MAY REVOKE, SUSPEND, RESTRICT, CENSURE, OR APPLY ANY
 11 OTHER DISCIPLINARY TREATMENT CONTEMPLATED BY 37-1-136 TO ANY
 12 OCCUPATIONAL LICENSEE UNDER THIS CHAPTER FOR ANY ONE OR MORE
 13 OF THE FOLLOWING CAUSES:

14 (A) PERFORMANCE OF PLUMBING WORK IN THE FIELD OF
 15 PLUMBING THAT IS BELOW THE STANDARDS ESTABLISHED BY THE
 16 UNIFORM PLUMBING CODE;

17 (B) INADEQUATE SUPERVISION THAT CAUSES OR ALLOWS
 18 PLUMBING WORK IN THE FIELD OF PLUMBING THAT IS BELOW THE
 19 STANDARDS ESTABLISHED BY THE UNIFORM PLUMBING CODE;

20 (C) MATERIAL DECEIT IN PROCURING, ATTEMPTING TO
 21 PROCURE, OR AIDING AND ABETTING THE PROCUREMENT OF AN
 22 OCCUPATIONAL LICENSE TO PRACTICE IN THE FIELD OF PLUMBING;

23 (D) UNFITNESS TO PROVIDE SERVICES IN THE FIELD OF
 24 PLUMBING BY REASON OF NEGLIGENCE, HABIT, INTEMPERANCE, OR
 25 ADDICTION TO THE USE OF HABIT-FORMING DRUGS;

1 (E) PHYSICAL OR MENTAL INCOMPETENCE WHICH IMPAIRS THE
 2 LICENSEE'S ABILITY TO DELIVER ADEQUATE SERVICE IN THE FIELD
 3 OF PLUMBING;

4 (F) WILLFUL OR REPEATED VIOLATION OF THIS CHAPTER OR
 5 RULES ADOPTED HEREUNDER OR WILLFUL OR REPEATED VIOLATION OF
 6 TITLE 50, CHAPTER 60, PART 5, OR RULES ADOPTED THEREUNDER;
 7 OR

8 (G) UNPROFESSIONAL PRACTICE-RELATED CONDUCT AS DEFINED
 9 BY RULES ADOPTED BY THE BOARD.

10 (2) ANY LICENSEE DISCIPLINARY ACTION UNDER THE
 11 JURISDICTION OF THE BOARD SHALL BE CONDUCTED AS A CONTESTED
 12 CASE UNDER THE PROVISIONS OF THE MONTANA ADMINISTRATIVE
 13 PROCEDURE ACT.

14 SECTION 7. SECTION 37-69-324, MCA, IS AMENDED TO READ:

15 "37-69-324. Penalty. A person who works at the field
 16 of plumbing or maintains or conducts a plumbing business or
 17 an individual who connects or disconnects plumbing from a
 18 public water or sewer system in violation of any provisions
 19 of this chapter or at a time when he is not exempt from the
 20 provisions of this chapter pursuant to the provisions of a
 21 duly enacted and subsisting ordinance of a city or town is
 22 guilty of a misdemeanor and, upon conviction thereof in any
 23 court of competent jurisdiction, ~~shall be punished by a fine~~
 24 ~~of not less than \$10 and not more than \$100 for each~~
 25 ~~separate offense~~ is guilty of a misdemeanor. However, this

1 chapter ~~shall~~ may not be construed to apply to or affect
 2 plumbing or pipefitting as indicated in the 37-69-102
 3 exceptions."

4 NEW SECTION. SECTION 8. REPEALER. SECTION 37-69-321,
 5 MCA, IS REPEALED.

6 NEW SECTION. SECTION 9. CODIFICATION INSTRUCTION.
 7 SECTIONS 5 AND 6 ARE INTENDED TO BE CODIFIED AS AN INTEGRAL
 8 PART OF TITLE 37, CHAPTER 69, PART 3, AND THE PROVISIONS OF
 9 TITLE 37, CHAPTER 69, APPLY TO SECTIONS 5 AND 6.

-End-

HOUSE BILL NO. 707

INTRODUCED BY JENKINS, MANUEL, COMPTON, IVERSON

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE LAW REGULATING PLUMBING; CLARIFYING THE DEFINITION OF "PLUMBING SYSTEM"; REVISING AND PROVIDING EXCEPTIONS TO THE PLUMBING PRACTICE LAWS; REMOVING THE REQUIREMENT FOR BOARD OF PLUMBERS APPROVAL FOR UNLICENSED PERSONNEL WHEN A LICENSEE IS UNAVAILABLE; PROVIDING FOR RECIPROCAL LICENSING OF PLUMBERS LICENSED IN OTHER STATES; REVISING THE LICENSE DISCIPLINE LAW; PROVIDING THAT A VIOLATION OF PROVISIONS OF TITLE 37, CHAPTER 69, IS A MISDEMEANOR; AMENDING SECTIONS 37-69-101, 37-69-102, AND 37-69-301, AND 37-69-324, MCA; AND REPEALING SECTION 37-69-321, MCA."

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(2) "Department" means the department of commerce provided for in Title 2, chapter 15, part 18.

(3) "Drainage system" means all the piping inside the walls of a building that conveys sewage or other liquid

wastes outside the building to the building sewer but that does not extend more than 2 feet outside the building way.

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

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

(6) "Master plumber" means a person who is authorized by this chapter to plan, estimate, bid, contract for, and supervise plumbing work and who may do the work of a journeyman plumber.

(7) (A) "Plumbing EXCEPT AS PROVIDED IN SUBSECTION (7)(B), "PLUMBING system" means all potable water supply and distribution pipes, plumbing fixtures and traps, drainage and vent pipes, and building drains, including their respective joints and connections, devices, receptacles, and appurtenances, within the property lines of any premises up to--2--feet--beyond--the-building-foundation-line WITHIN THE PROPERTY LINES OF ANY PREMISES, and includes potable water piping, water heaters, and vents for the premises building PREMISES.

(B) AS DEFINED IN SUBSECTION (7)(A), "PLUMBING SYSTEM"

THIRD READING

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 2 WATER DISTRICTS OR WATER USER ASSOCIATIONS IN WHICH WATER
 3 SERVICE IS INSTALLED BY ANY QUALIFIED PERSON APPOINTED OR
 4 HIRED BY THE ADMINISTRATIVE AUTHORITY OF THE WATER SYSTEM.

5 (8) "Public sewer system" means any common sewer
 6 carrying liquid wastes from two or more dwellings or any
 7 other facility that serves the public.

8 (9) "Public water supply" means any community well,
 9 water hauler for cisterns, water bottling plant, water
 10 dispenser, or other water supply that serves 10 or more
 11 families or 25 or more persons on a regular and continuous
 12 basis."

13 Section 2. Section 37-69-102, MCA, is amended to read:

14 "37-69-102. Exceptions. (1) Licensure is not required
 15 in the following instances of plumbing installation:

16 (a) where an owner of a single-family residence used
 17 exclusively for his personal use makes the installation
 18 himself for all sanitary plumbing and potable water supply
 19 piping or where a mobile home dealer makes such installation
 20 to existing facilities as part of delivering and setting up
 21 a mobile home for a purchaser;

22 (b) in any mine, mill, smelter, refinery, or
 23 railroad;

24 ~~(c) in--in--farms (C) IN A farm or ranches having their~~
 25 ~~own-private ranch not connected to public water supply and~~

1 sewage disposal systems;

2 ~~(d)(e)(D)~~ in for IN cities, and towns, water
 3 districts, and water user associations extending their own
 4 city water and sewer mains;

5 ~~(e)(d)(E)~~ installation of water conditioner services
 6 in private dwellings;

7 ~~(f)(e)(F)~~ minor work by employees or agents of an
 8 appliance dealer incidental to the installation of an
 9 appliance purchased from the dealer; AND

10 (G) INSTALLATION OF A WATER METER BY A QUALIFIED
 11 PERSON APPOINTED BY THE ADMINISTRATIVE AUTHORITY OF THE
 12 WATER SYSTEM.

13 (2) This chapter shall not be construed to apply to or
 14 to affect plumbing installations in any mines, mills,
 15 smelters, refineries, public utilities, railroads, or
 16 plumbing installations on farms ~~having their own individual~~
 17 ~~or ranches not connected to public water supply or sewage~~
 18 disposal system."

19 Section 3. Section 37-69-301, MCA, is amended to read:

20 "37-69-301. License required -- temporary exception by
 21 municipal resolution when licensed plumber not available.
 22 Any person working at the field of plumbing in any
 23 incorporated city, town, or in any other area served by a
 24 public water supply or a public sewer system in this state,
 25 either as a master plumber or as a journeyman plumber, or

who while working at the field of plumbing shall connect plumbing to or disconnect plumbing from a public water supply or public sewer system shall first secure a state license as hereinafter provided. The council or commission of any city or town or board of directors or managers of a water or sewer district or water utility, in cases where a duly licensed person or persons are not reasonably REASONABLY available, may by ordinance, rule, or resolution duly adopted and upon reasonable REASONABLE notice BY CERTIFIED LETTER to the board of plumbers and--upon--their approval; AND UPON THEIR APPROVAL, OR AFTER 30 DAYS FROM THE DATE OF THE POSTMARK OF THE CERTIFIED LETTER IF THE BOARD FAILS TO RESPOND TO THE CERTIFIED LETTER, authorize the practice in the field of plumbing by a person or persons who have not obtained the state licenses as hereinafter provided until such time as a duly licensed person or persons are reasonably REASONABLY available OR UNTIL THE BOARD OF PLUMBERS WITHDRAWS ITS AUTHORIZATION."

NEW SECTION. Section 4. Extension of authority. Any existing authority of the board of plumbers to make rules on the subject of the provisions of this act is extended to the provisions of this act.

NEW SECTION. SECTION 5. PLUMBERS LICENSED BY OTHER STATES -- RECIPROCITY. TO THE EXTENT THAT OTHER STATES THAT PROVIDE FOR THE LICENSING OF PLUMBERS PROVIDE FOR SIMILAR

ACTION, THE BOARD MAY GRANT LICENSES TO PLUMBERS LICENSED BY OTHER STATES ON PAYMENT BY THE APPLICANT OF THE REQUIRED FEE AND ON FURNISHING PROOF TO THE BOARD THAT THE APPLICANT HAS QUALIFICATIONS AT LEAST EQUAL TO THOSE PROVIDED HEREIN FOR APPLICANTS FOR WRITTEN EXAMINATIONS. APPLICANTS WHO QUALIFY FOR A LICENSE UNDER THIS SECTION ARE NOT REQUIRED TO TAKE A WRITTEN EXAMINATION. THE BOARD HAS AUTHORITY TO ADOPT RULES NECESSARY TO IMPLEMENT THIS ACTION.

NEW SECTION. SECTION 6. LICENSE DISCIPLINE. (1) THE BOARD MAY REVOKE, SUSPEND, RESTRICT, CENSURE, OR APPLY ANY OTHER DISCIPLINARY TREATMENT CONTEMPLATED BY 37-1-136 TO ANY OCCUPATIONAL LICENSEE UNDER THIS CHAPTER FOR ANY ONE OR MORE OF THE FOLLOWING CAUSES:

(A) PERFORMANCE OF PLUMBING WORK IN THE FIELD OF PLUMBING THAT IS BELOW THE STANDARDS ESTABLISHED BY THE UNIFORM PLUMBING CODE;

(B) INADEQUATE SUPERVISION THAT CAUSES OR ALLOWS PLUMBING WORK IN THE FIELD OF PLUMBING THAT IS BELOW THE STANDARDS ESTABLISHED BY THE UNIFORM PLUMBING CODE;

(C) MATERIAL DECEIT IN PROCURING, ATTEMPTING TO PROCURE, OR AIDING AND ABETTING THE PROCUREMENT OF AN OCCUPATIONAL LICENSE TO PRACTICE IN THE FIELD OF PLUMBING;

(D) UNFITNESS TO PROVIDE SERVICES IN THE FIELD OF PLUMBING BY REASON OF NEGLIGENCE, HABIT, INTEMPERANCE, OR ADDICTION TO THE USE OF HABIT-FORMING DRUGS;

1 (E) PHYSICAL OR MENTAL INCOMPETENCE WHICH IMPAIRS THE
 2 LICENSEE'S ABILITY TO DELIVER ADEQUATE SERVICE IN THE FIELD
 3 OF PLUMBING;

4 (F) WILLFUL OR REPEATED VIOLATION OF THIS CHAPTER OR
 5 RULES ADOPTED HEREUNDER OR WILLFUL OR REPEATED VIOLATION OF
 6 TITLE 50, CHAPTER 60, PART 5, OR RULES ADOPTED THEREUNDER;
 7 OR

8 (G) UNPROFESSIONAL PRACTICE-RELATED CONDUCT AS DEFINED
 9 BY RULES ADOPTED BY THE BOARD.

10 (2) ANY LICENSEE DISCIPLINARY ACTION UNDER THE
 11 JURISDICTION OF THE BOARD SHALL BE CONDUCTED AS A CONTESTED
 12 CASE UNDER THE PROVISIONS OF THE MONTANA ADMINISTRATIVE
 13 PROCEDURE ACT.

14 SECTION 7. SECTION 37-69-324, MCA, IS AMENDED TO READ:

15 "37-69-324. Penalty. A person who works at the field
 16 of plumbing or maintains or conducts a plumbing business or
 17 an individual who connects or disconnects plumbing from a
 18 public water or sewer system in violation of any provisions
 19 of this chapter or at a time when he is not exempt from the
 20 provisions of this chapter pursuant to the provisions of a
 21 duly enacted and subsisting ordinance of a city or town is
 22 guilty of a misdemeanor and, upon conviction thereof in any
 23 court of competent jurisdiction, ~~shall be punished by a fine~~
 24 ~~of not less than \$10 and not more than \$100 for each~~
 25 ~~separate offense~~ is guilty of a misdemeanor. However, this

1 chapter ~~shall~~ may not be construed to apply to or affect
 2 plumbing or pipefitting as indicated in the 37-69-102
 3 exceptions."

4 NEW SECTION. SECTION 8. REPEALER. SECTION 37-69-321,
 5 MCA, IS REPEALED.

6 NEW SECTION. SECTION 9. CODIFICATION INSTRUCTION.
 7 SECTIONS 5 AND 6 ARE INTENDED TO BE CODIFIED AS AN INTEGRAL
 8 PART OF TITLE 37, CHAPTER 69, PART 3, AND THE PROVISIONS OF
 9 TITLE 37, CHAPTER 69, APPLY TO SECTIONS 5 AND 6.

-End-

SENATE

STANDING COMMITTEE REPORT

MARCH 20

85

19.....

MR. PRESIDENT

We, your committee on.....BUSINESS & INDUSTRY

having had under consideration.....HOUSE BILL No. 707

third reading copy (blue)
color

REVISE PLUMBING LAW EXCEPTIONS
(Gage)

Respectfully report as follows: That.....HOUSE BILL No. 707

be amended as follows.

1. Page 2, line 22.

Following: "PREMISES,"

Insert: "up to 2 feet beyond the building foundation line,"

2. Page 4, lines 17 and 18.

Following: "ranches" on line 17

Strike: remainder of line 17 through "system" on line 18

3. Page 6, line 24.

Following: "NEGLIGENCE"

Strike: ",HABIT, INTEMPERANCE,"

AND AS AMENDED
BE CONCURRED IN

~~XXXXXX~~

~~XXXXXX~~


Sen. Mike Halligan

Chairman.

1 HOUSE BILL NO. 707

2 INTRODUCED BY JENKINS, MANUEL, COMPTON, IVERSON

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE LAW
5 REGULATING PLUMBING; CLARIFYING THE DEFINITION OF "PLUMBING
6 SYSTEM"; REVISING AND PROVIDING EXCEPTIONS TO THE PLUMBING
7 PRACTICE LAWS; REMOVING THE REQUIREMENT FOR BOARD OF
8 PLUMBERS APPROVAL FOR UNLICENSED PERSONNEL WHEN A LICENSEE
9 IS UNAVAILABLE; PROVIDING FOR RECIPROCAL LICENSING OF
10 PLUMBERS LICENSED IN OTHER STATES; REVISING THE LICENSE
11 DISCIPLINE LAW; PROVIDING THAT A VIOLATION OF PROVISIONS OF
12 TITLE 37, CHAPTER 69, IS A MISDEMEANOR; AMENDING SECTIONS
13 37-69-101, 37-69-102, AND 37-69-301, AND 37-69-324, MCA; AND
14 REPEALING SECTION 37-69-321, MCA."

15
16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

17 Section 1. Section 37-69-101, MCA, is amended to read:

18 "37-69-101. Definitions. Unless the context requires
19 otherwise, in this chapter the following definitions apply:20 (1) "Board" means the board of plumbers provided for
21 in 2-15-1875.22 (2) "Department" means the department of commerce
23 provided for in Title 2, chapter 15, part 18.24 (3) "Drainage system" means all the piping inside the
25 walls of a building that conveys sewage or other liquid

1 wastes outside the building to the building sewer but that
2 does not extend more than 2 feet outside the building way.

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

7 (5) "Journeyman plumber" means a person who is
8 authorized to make installation of all sanitary plumbing and
9 potable water supply piping and appliances connected
10 thereto.

11 (6) "Master plumber" means a person who is authorized
12 by this chapter to plan, estimate, bid, contract for, and
13 supervise plumbing work and who may do the work of a
14 journeyman plumber.

15 (7) (A) "Plumbing EXCEPT AS PROVIDED IN SUBSECTION
16 (7)(B), "PLUMBING system" means all potable water supply and
17 distribution pipes, plumbing fixtures and traps, drainage
18 and vent pipes, and building drains, including their
19 respective joints and connections, devices, receptacles, and
20 appurtenances, within the property lines of any premises up
21 to--2--feet--beyond--the-building-foundation-line WITHIN THE
22 PROPERTY LINES OF ANY PREMISES, UP TO 2 FEET BEYOND THE
23 BUILDING FOUNDATION LINE, and includes potable water piping,
24 water heaters, and vents for the premises building PREMISES.
25 (B) AS DEFINED IN SUBSECTION (7)(A), "PLUMBING SYSTEM"

1 DOES NOT INCLUDE WATER SERVICES INSTALLED AND MAINTAINED BY
 2 WATER DISTRICTS OR WATER USER ASSOCIATIONS IN WHICH WATER
 3 SERVICE IS INSTALLED BY ANY QUALIFIED PERSON APPOINTED OR
 4 HIRED BY THE ADMINISTRATIVE AUTHORITY OF THE WATER SYSTEM.

5 (8) "Public sewer system" means any common sewer
 6 carrying liquid wastes from two or more dwellings or any
 7 other facility that serves the public.

8 (9) "Public water supply" means any community well,
 9 water hauler for cisterns, water bottling plant, water
 10 dispenser, or other water supply that serves 10 or more
 11 families or 25 or more persons on a regular and continuous
 12 basis."

13 Section 2. Section 37-69-102, MCA, is amended to read:

14 "37-69-102. Exceptions. (1) Licensure is not required
 15 in the following instances of plumbing installation:

16 (a) where an owner of a single-family residence used
 17 exclusively for his personal use makes the installation
 18 himself for all sanitary plumbing and potable water supply
 19 piping or where a mobile home dealer makes such installation
 20 to existing facilities as part of delivering and setting up
 21 a mobile home for a purchaser;

22 (b) in any mine, mill, smelter, refinery, or
 23 railroad;

24 ~~(c) in farms~~ (C) IN A farm or ranches having their
 25 own-private ranch not connected to public water supply and

1 sewage disposal systems;

2 ~~(d) in~~ (D) in for IN cities, and towns, water
 3 districts, and water user associations extending their own
 4 city water and sewer mains;

5 ~~(e) installation of~~ (E) installation of water conditioner services
 6 in private dwellings;

7 ~~(f) minor work by~~ (F) minor work by employees or agents of an
 8 appliance dealer incidental to the installation of an
 9 appliance purchased from the dealer; AND

10 (G) INSTALLATION OF A WATER METER BY A QUALIFIED
 11 PERSON APPOINTED BY THE ADMINISTRATIVE AUTHORITY OF THE
 12 WATER SYSTEM.

13 (2) This chapter shall not be construed to apply to or
 14 to affect plumbing installations in any mines, mills,
 15 smelters, refineries, public utilities, railroads, or
 16 plumbing installations on farms ~~having their own individual~~
 17 ~~or ranches not connected to public water supply or sewage~~
 18 ~~disposal system."~~

19 Section 3. Section 37-69-301, MCA, is amended to read:

20 "37-69-301. License required -- temporary exception by
 21 municipal resolution when licensed plumber not available.

22 Any person working at the field of plumbing in any
 23 incorporated city, town, or in any other area served by a
 24 public water supply or a public sewer system in this state,
 25 either as a master plumber or as a journeyman plumber, or

who while working at the field of plumbing shall connect plumbing to or disconnect plumbing from a public water supply or public sewer system shall first secure a state license as hereinafter provided. The council or commission of any city or town or board of directors or managers of a water or sewer district or water utility, in cases where a duly licensed person or persons are not ~~reasonably~~ REASONABLY available, may by ordinance, rule, or resolution duly adopted and upon ~~reasonable~~ REASONABLE notice BY CERTIFIED LETTER to the board of plumbers ~~and--upon--their approval;~~ AND UPON THEIR APPROVAL, OR AFTER 30 DAYS FROM THE DATE OF THE POSTMARK OF THE CERTIFIED LETTER IF THE BOARD FAILS TO RESPOND TO THE CERTIFIED LETTER, authorize the practice in the field of plumbing by a person or persons who have not obtained the state licenses as hereinafter provided until such time as a duly licensed person or persons are ~~reasonably~~ REASONABLY available OR UNTIL THE BOARD OF PLUMBERS WITHDRAWS ITS AUTHORIZATION."

NEW SECTION. Section 4. Extension of authority. Any existing authority of the board of plumbers to make rules on the subject of the provisions of this act is extended to the provisions of this act.

NEW SECTION. SECTION 5. PLUMBERS LICENSED BY OTHER STATES -- RECIPROCITY. TO THE EXTENT THAT OTHER STATES THAT PROVIDE FOR THE LICENSING OF PLUMBERS PROVIDE FOR SIMILAR

ACTION, THE BOARD MAY GRANT LICENSES TO PLUMBERS LICENSED BY OTHER STATES ON PAYMENT BY THE APPLICANT OF THE REQUIRED FEE AND ON FURNISHING PROOF TO THE BOARD THAT THE APPLICANT HAS QUALIFICATIONS AT LEAST EQUAL TO THOSE PROVIDED HEREIN FOR APPLICANTS FOR WRITTEN EXAMINATIONS. APPLICANTS WHO QUALIFY FOR A LICENSE UNDER THIS SECTION ARE NOT REQUIRED TO TAKE A WRITTEN EXAMINATION. THE BOARD HAS AUTHORITY TO ADOPT RULES NECESSARY TO IMPLEMENT THIS ACTION.

NEW SECTION. SECTION 6. LICENSE DISCIPLINE. (1) THE BOARD MAY REVOKE, SUSPEND, RESTRICT, CENSURE, OR APPLY ANY OTHER DISCIPLINARY TREATMENT CONTEMPLATED BY 37-1-136 TO ANY OCCUPATIONAL LICENSEE UNDER THIS CHAPTER FOR ANY ONE OR MORE OF THE FOLLOWING CAUSES:

(A) PERFORMANCE OF PLUMBING WORK IN THE FIELD OF PLUMBING THAT IS BELOW THE STANDARDS ESTABLISHED BY THE UNIFORM PLUMBING CODE;

(B) INADEQUATE SUPERVISION THAT CAUSES OR ALLOWS PLUMBING WORK IN THE FIELD OF PLUMBING THAT IS BELOW THE STANDARDS ESTABLISHED BY THE UNIFORM PLUMBING CODE;

(C) MATERIAL DECEIT IN PROCURING, ATTEMPTING TO PROCURE, OR AIDING AND ABETTING THE PROCUREMENT OF AN OCCUPATIONAL LICENSE TO PRACTICE IN THE FIELD OF PLUMBING;

(D) UNFITNESS TO PROVIDE SERVICES IN THE FIELD OF PLUMBING BY REASON OF NEGLIGENCE, ~~HABIT~~ HABIT, ~~INTEMPERANCE~~, OR ADDICTION TO THE USE OF HABIT-FORMING DRUGS;

1 (E) PHYSICAL OR MENTAL INCOMPETENCE WHICH IMPAIRS THE
 2 LICENSEE'S ABILITY TO DELIVER ADEQUATE SERVICE IN THE FIELD
 3 OF PLUMBING;

4 (F) WILLFUL OR REPEATED VIOLATION OF THIS CHAPTER OR
 5 RULES ADOPTED HEREUNDER OR WILLFUL OR REPEATED VIOLATION OF
 6 TITLE 50, CHAPTER 60, PART 5, OR RULES ADOPTED THEREUNDER;
 7 OR

8 (G) UNPROFESSIONAL PRACTICE-RELATED CONDUCT AS DEFINED
 9 BY RULES ADOPTED BY THE BOARD.

10 (2) ANY LICENSEE DISCIPLINARY ACTION UNDER THE
 11 JURISDICTION OF THE BOARD SHALL BE CONDUCTED AS A CONTESTED
 12 CASE UNDER THE PROVISIONS OF THE MONTANA ADMINISTRATIVE
 13 PROCEDURE ACT.

14 SECTION 7. SECTION 37-69-324, MCA, IS AMENDED TO READ:

15 "37-69-324. Penalty. A person who works at the field
 16 of plumbing or maintains or conducts a plumbing business or
 17 an individual who connects or disconnects plumbing from a
 18 public water or sewer system in violation of any provisions
 19 of this chapter or at a time when he is not exempt from the
 20 provisions of this chapter pursuant to the provisions of a
 21 duly enacted and subsisting ordinance of a city or town is
 22 guilty of a misdemeanor and, upon conviction thereof in any
 23 court of competent jurisdiction, ~~shall be punished by a fine~~
 24 ~~of not less than \$10 and not more than \$100 for each~~
 25 ~~separate offense~~ is guilty of a misdemeanor. However, this

1 chapter ~~shall~~ may not be construed to apply to or affect
 2 plumbing or pipefitting as indicated in the 37-69-102
 3 exceptions."

4 NEW SECTION. SECTION 8. REPEALER. SECTION 37-69-321,
 5 MCA, IS REPEALED.

6 NEW SECTION. SECTION 9. CODIFICATION INSTRUCTION.
 7 SECTIONS 5 AND 6 ARE INTENDED TO BE CODIFIED AS AN INTEGRAL
 8 PART OF TITLE 37, CHAPTER 69, PART 3, AND THE PROVISIONS OF
 9 TITLE 37, CHAPTER 69, APPLY TO SECTIONS 5 AND 6.

-End-

CONFERENCE COMMITTEE REPORT

Report No. ...1.....

.....April 16 1985...

MR. SPEAKER

We, your _____ **FREE** _____ Conference Committee on

House Bill 707, reference copy (salmon)

met and considered Senate Business and Industry Committee Amendments,

dated March 20, 1985.

We recommend as follows:

1. Page 2, line 22.

Strike: "2"

Insert: "20"

2. Page 4, line 18.

Following: "system"

Insert: "not connected to public water supply or sewage disposal system"

And that this Conference Committee report be adopted.

FOR THE SENATE

J. D. Lynch
LYNCH, CHM.

Richard E. Manning
MANNING

Robert Gage
GAGE

ADOPT REJECT

FOR THE HOUSE

Ray Brandewie
BRANDEWIE

Driscoll
DRISCOLL

Loran Jenkins
JENKINS

Manuel
MANUEL

HOUSE BILL NO. 707

INTRODUCED BY JENKINS, MANUEL, COMPTON, IVERSON

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE LAW REGULATING PLUMBING; CLARIFYING THE DEFINITION OF "PLUMBING SYSTEM"; REVISING AND PROVIDING EXCEPTIONS TO THE PLUMBING PRACTICE LAWS; REMOVING THE REQUIREMENT FOR BOARD OF PLUMBERS APPROVAL FOR UNLICENSED PERSONNEL WHEN A LICENSEE IS UNAVAILABLE; PROVIDING FOR RECIPROCAL LICENSING OF PLUMBERS LICENSED IN OTHER STATES; REVISING THE LICENSE DISCIPLINE LAW; PROVIDING THAT A VIOLATION OF PROVISIONS OF TITLE 37, CHAPTER 69, IS A MISDEMEANOR; AMENDING SECTIONS 37-69-101, 37-69-102, AND 37-69-301, AND 37-69-324, MCA; AND REPEALING SECTION 37-69-321, MCA."

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

Section 1. Section 37-69-101, MCA, is amended to read:

"37-69-101. Definitions. Unless the context requires otherwise, in this chapter the following definitions apply:

(1) "Board" means the board of plumbers provided for in 2-15-1875.

(2) "Department" means the department of commerce provided for in Title 2, chapter 15, part 18.

(3) "Drainage system" means all the piping inside the walls of a building that conveys sewage or other liquid

wastes outside the building to the building sewer but that does not extend more than 2 feet outside the building way.

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

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

(6) "Master plumber" means a person who is authorized by this chapter to plan, estimate, bid, contract for, and supervise plumbing work and who may do the work of a journeyman plumber.

(7) (A) "Plumbing EXCEPT AS PROVIDED IN SUBSECTION (7)(B), "PLUMBING system" means all potable water supply and distribution pipes, plumbing fixtures and traps, drainage and vent pipes, and building drains, including their respective joints and connections, devices, receptacles, and appurtenances within the property lines of any premises up to--2--feet--beyond--the-building-foundation-line WITHIN THE PROPERTY LINES OF ANY PREMISES, UP TO 2 20 FEET BEYOND THE BUILDING FOUNDATION LINE, and includes potable water piping, water heaters, and vents for the premises building PREMISES.

(B) AS DEFINED IN SUBSECTION (7)(A), "PLUMBING SYSTEM"

DOES NOT INCLUDE WATER SERVICES INSTALLED AND MAINTAINED BY
WATER DISTRICTS OR WATER USER ASSOCIATIONS IN WHICH WATER
SERVICE IS INSTALLED BY ANY QUALIFIED PERSON APPOINTED OR
HIRED BY THE ADMINISTRATIVE AUTHORITY OF THE WATER SYSTEM.

(8) "Public sewer system" means any common sewer
carrying liquid wastes from two or more dwellings or any
other facility that serves the public.

(9) "Public water supply" means any community well,
water hauler for cisterns, water bottling plant, water
dispenser, or other water supply that serves 10 or more
families or 25 or more persons on a regular and continuous
basis."

Section 2. Section 37-69-102, MCA, is amended to read:

"37-69-102. Exceptions. (1) Licensure is not required
in the following instances of plumbing installation:

(a) where an owner of a single-family residence used
exclusively for his personal use makes the installation
himself for all sanitary plumbing and potable water supply
piping or where a mobile home dealer makes such installation
to existing facilities as part of delivering and setting up
a mobile home for a purchaser;

(b) in any mine, mill, smelter, refinery, or ~~or~~
railroad;

~~(c) in farms~~ (C) IN A farm or ranches having their
own-private ranch not connected to public water supply and

sewage disposal systems;

~~(d)(e)~~(D) in for IN cities, and towns, water
districts, and water user associations extending their own
city water and sewer mains;

~~(e)(d)~~(E) installation of water conditioner services
in private dwellings;

~~(f)(e)~~(F) minor work by employees or agents of an
appliance dealer incidental to the installation of an
appliance purchased from the dealer; AND

(G) INSTALLATION OF A WATER METER BY A QUALIFIED
PERSON APPOINTED BY THE ADMINISTRATIVE AUTHORITY OF THE
WATER SYSTEM.

(2) This chapter shall not be construed to apply to or
to affect plumbing installations in any mines, mills,
smelters, refineries, public utilities, railroads, or
plumbing installations on farms having their own individual
or ranches ~~not connected to public water supply or sewage~~
~~disposal system~~ NOT CONNECTED TO PUBLIC WATER SUPPLY OR
SEWAGE DISPOSAL SYSTEMS."

Section 3. Section 37-69-301, MCA, is amended to read:

"37-69-301. License required -- temporary exception by
municipal resolution when licensed plumber not available.
Any person working at the field of plumbing in any
incorporated city, town, or in any other area served by a
public water supply or a public sewer system in this state,

1 either as a master plumber or as a journeyman plumber, or
 2 who while working at the field of plumbing shall connect
 3 plumbing to or disconnect plumbing from a public water
 4 supply or public sewer system shall first secure a state
 5 license as hereinafter provided. The council or commission
 6 of any city or town or board of directors or managers of a
 7 water or sewer district or water utility, in cases where a
 8 duly licensed person or persons are not ~~reasonably~~
 9 REASONABLY available, may by ordinance, rule, or resolution
 10 duly adopted and upon ~~reasonable~~ REASONABLE notice BY
 11 CERTIFIED LETTER to the board of plumbers ~~and-upon-their~~
 12 ~~approval~~, AND UPON THEIR APPROVAL, OR AFTER 30 DAYS FROM THE
 13 DATE OF THE POSTMARK OF THE CERTIFIED LETTER IF THE BOARD
 14 FAILS TO RESPOND TO THE CERTIFIED LETTER, authorize the
 15 practice in the field of plumbing by a person or persons who
 16 have not obtained the state licenses as hereinafter provided
 17 until such time as a duly licensed person or persons are
 18 ~~reasonably~~ REASONABLY available OR UNTIL THE BOARD OF
 19 PLUMBERS WITHDRAWS ITS AUTHORIZATION."

20 NEW SECTION. Section 4. Extension of authority. Any
 21 existing authority of the board of plumbers to make rules on
 22 the subject of the provisions of this act is extended to the
 23 provisions of this act.

24 NEW SECTION. SECTION 5. PLUMBERS LICENSED BY OTHER
 25 STATES -- RECIPROCITY. TO THE EXTENT THAT OTHER STATES THAT

1 PROVIDE FOR THE LICENSING OF PLUMBERS PROVIDE FOR SIMILAR
 2 ACTION, THE BOARD MAY GRANT LICENSES TO PLUMBERS LICENSED BY
 3 OTHER STATES ON PAYMENT BY THE APPLICANT OF THE REQUIRED FEE
 4 AND ON FURNISHING PROOF TO THE BOARD THAT THE APPLICANT HAS
 5 QUALIFICATIONS AT LEAST EQUAL TO THOSE PROVIDED HEREIN FOR
 6 APPLICANTS FOR WRITTEN EXAMINATIONS. APPLICANTS WHO QUALIFY
 7 FOR A LICENSE UNDER THIS SECTION ARE NOT REQUIRED TO TAKE A
 8 WRITTEN EXAMINATION. THE BOARD HAS AUTHORITY TO ADOPT RULES
 9 NECESSARY TO IMPLEMENT THIS ACTION.

10 NEW SECTION. SECTION 6. LICENSE DISCIPLINE. (1) THE
 11 BOARD MAY REVOKE, SUSPEND, RESTRICT, CENSURE, OR APPLY ANY
 12 OTHER DISCIPLINARY TREATMENT CONTEMPLATED BY 37-1-136 TO ANY
 13 OCCUPATIONAL LICENSEE UNDER THIS CHAPTER FOR ANY ONE OR MORE
 14 OF THE FOLLOWING CAUSES:

15 (A) PERFORMANCE OF PLUMBING WORK IN THE FIELD OF
 16 PLUMBING THAT IS BELOW THE STANDARDS ESTABLISHED BY THE
 17 UNIFORM PLUMBING CODE;

18 (B) INADEQUATE SUPERVISION THAT CAUSES OR ALLOWS
 19 PLUMBING WORK IN THE FIELD OF PLUMBING THAT IS BELOW THE
 20 STANDARDS ESTABLISHED BY THE UNIFORM PLUMBING CODE;

21 (C) MATERIAL DECEIT IN PROCURING, ATTEMPTING TO
 22 PROCURE, OR AIDING AND ABETTING THE PROCUREMENT OF AN
 23 OCCUPATIONAL LICENSE TO PRACTICE IN THE FIELD OF PLUMBING;

24 (D) UNFITNESS TO PROVIDE SERVICES IN THE FIELD OF
 25 PLUMBING BY REASON OF NEGLIGENCE, --HABIT,--INTEMPERANCE, OR

HB 0707/04

1 ADDICTION TO THE USE OF HABIT-FORMING DRUGS;

2 (E) PHYSICAL OR MENTAL INCOMPETENCE WHICH IMPAIRS THE
3 LICENSEE'S ABILITY TO DELIVER ADEQUATE SERVICE IN THE FIELD
4 OF PLUMBING;

5 (F) WILLFUL OR REPEATED VIOLATION OF THIS CHAPTER OR
6 RULES ADOPTED HEREUNDER OR WILLFUL OR REPEATED VIOLATION OF
7 TITLE 50, CHAPTER 60, PART 5, OR RULES ADOPTED THEREUNDER;
8 OR

9 (G) UNPROFESSIONAL PRACTICE-RELATED CONDUCT AS DEFINED
10 BY RULES ADOPTED BY THE BOARD.

11 (2) ANY LICENSEE DISCIPLINARY ACTION UNDER THE
12 JURISDICTION OF THE BOARD SHALL BE CONDUCTED AS A CONTESTED
13 CASE UNDER THE PROVISIONS OF THE MONTANA ADMINISTRATIVE
14 PROCEDURE ACT.

15 SECTION 7. SECTION 37-69-324, MCA, IS AMENDED TO READ:

16 "37-69-324. Penalty. A person who works at the field
17 of plumbing or maintains or conducts a plumbing business or
18 an individual who connects or disconnects plumbir from a
19 public water or sewer system in violation of any provisions
20 of this chapter or at a time when he is n e.empt from the
21 provisions of this chapter pursuant to the provisions of a
22 duly enacted and subsisting ordinance of a city or town is
23 guilty of a misdemeanor and, upon conviction thereof in any
24 court of competent jurisdiction, shall-be-punished-by-a-fine
25 of--not--less--than--\$10--and--not--more--than--\$100--for--each

1 separate-offense is guilty of a misdemeanor. However, this
2 chapter shall may not be construed to apply to or affect
3 plumbing or pipefitting as indicated in the 37-69-102
4 exceptions."

5 NEW SECTION. SECTION 8. REPEALER. SECTION 37-69-321,
6 MCA, IS REPEALED.

7 NEW SECTION. SECTION 9. CODIFICATION INSTRUCTION.
8 SECTIONS 5 AND 6 ARE INTENDED TO BE CODIFIED AS AN INTEGRAL
9 PART OF TITLE 37, CHAPTER 69, PART 3, AND THE PROVISIONS OF
10 TITLE 37, CHAPTER 69, APPLY TO SECTIONS 5 AND 6.

-End-