

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 concurred 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.

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.

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."

**INTRODUCED BILL**

HB 707

1       Section 2. Section 37-69-102, MCA, is amended to read:  
 2       "37-69-102. Exceptions. (1) Licensure is not required  
 3       in the following instances of plumbing installation:

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

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

12       ~~tej--in--farms~~ farm or ranches having their own private  
 13       ranch not connected to public water supply and sewage  
 14       disposal systems;

15       ~~tej~~(c) in for cities, and towns, water districts, and  
 16       water user associations extending their own city water and  
 17       sewer mains;

18       ~~tej~~(d) installation of water conditioner services in  
 19       private dwellings;

20       ~~tej~~(e) minor work by employees or agents of an  
 21       appliance dealer incidental to the installation of an  
 22       appliance purchased from the dealer.

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

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

4       Section 3. Section 37-69-301, MCA, is amended to read:  
 5       "37-69-301. License required -- temporary exception by  
 6       municipal resolution when licensed plumber not available.  
 7       Any person working at the field of plumbing in any  
 8       incorporated city, town, or in any other area served by a  
 9       public water supply or a public sewer system in this state,  
 10       either as a master plumber or as a journeyman plumber, or  
 11       who while working at the field of plumbing shall connect  
 12       plumbing to or disconnect plumbing from a public water  
 13       supply or public sewer system shall first secure a state  
 14       license as hereinafter provided. The council or commission  
 15       of any city or town or board of directors or managers of a  
 16       water or sewer district or water utility, in cases where a  
 17       duly licensed person or persons are not ~~reasonably~~  
 18       available, may by ordinance, rule, or resolution duly  
 19       adopted and upon ~~reasonable~~ notice to the board of plumbers  
 20       and ~~upon-their-approval~~ authorize the practice in the field  
 21       of plumbing by a person or persons who have not obtained the  
 22       state licenses as hereinafter provided until such time as a  
 23       duly licensed person or persons are ~~reasonably~~ available."  
 24       NEW SECTION. Section 4. Extension of authority. Any  
 25       existing authority of the board of plumbers to make rules on

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

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, and includes potable water  
23        piping, water heaters, and vents for the premises building  
24        PREMISES.  
25                (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   ~~te}--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    ~~te}te}(D) in for IN cities, and towns, water~~  
 3    districts, and water user associations extending their own  
 4    city water and sewer mains;  
 5    ~~te}te}(E) installation of water conditioner services~~  
 6    in private dwellings;  
 7    ~~te}te}(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--spend--their  
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  
PLUMBERS WITHDRAWS ITS AUTHORIZATION."

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

22 NEW SECTION. SECTION 5. PLUMBERS LICENSED BY OTHER  
 23 STATES -- RECIPROCITY. TO THE EXTENT THAT OTHER STATES THAT  
 24 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 \$100 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

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."

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.

(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.

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

### THIRD 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.

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 9 water hauler for cisterns, water bottling plant, water  
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 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       ~~tef--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       ~~tdf--t~~(D) in for IN cities, and towns, water  
 3 districts, and water user associations extending their own  
 4 city water and sewer mains;  
 5       ~~tef--t~~(E) installation of water conditioner services  
 6 in private dwellings;  
 7       ~~tef--t~~(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.

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 14 to affect plumbing installations in any mines, mills,  
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 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  
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 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  
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 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.

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 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  
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 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  
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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.

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 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 \$100 and not more than \$1000 for each  
 25      separate offense is guilty of a misdemeanor. However, this

1       chapter shall 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 707 No.....

third reading copy ( blue )  
color

REVISE PLUMBING LAW EXCEPTIONS  
(Gage)

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

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.

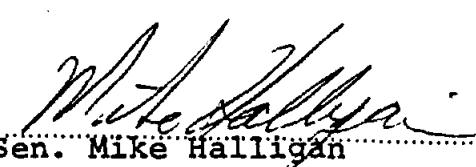
Following: "NEGLIGENCE"

Strike: ",HABIT, INTEMPERANCE,"

AND AS AMENDED  
BE CONCURRED IN

XXXXXX

XXXXXX

  
Sen. Mike Halligan Chairman.

HOUSE BILL NO. 707

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."

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.

(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 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"



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    ~~te--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    ~~te--in--for IN cities, and towns, water~~  
 3    districts, and water user associations extending their own  
 4    city water and sewer mains;  
 5    ~~te--in--~~(E) installation of water conditioner services  
 6    in private dwellings;  
 7    ~~te--in--~~(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 \$100 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 19..85...

**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

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**ADOPT**      **REJECT**

## FOR THE HOUSE

BRANDENSTEIN

DRISCOLL

**JENKINS**

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HOUSE BILL NO. 707

INTRODUCED BY JENKINS, MANUEL, COMPTON, IVERSON

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."

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.

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.

(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 20 feet beyond the building foundation line WITHIN THE PROPERTY LINES OF ANY PREMISES, UP TO 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"



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 railroad;

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

1    sewage disposal systems;  
 2    ~~td>td~~(D) in for IN cities, and towns, water  
 3    districts, and water user associations extending their own  
 4    city water and sewer mains;

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

7    ~~td>td~~(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 NOT CONNECTED TO PUBLIC WATER SUPPLY OR  
 19   SEWAGE DISPOSAL SYSTEMS."

20   Section 3. Section 37-69-301, MCA, is amended to read:  
 21   "37-69-301. License required -- temporary exception by  
 22   municipal resolution when licensed plumber not available.  
 23   Any person working at the field of plumbing in any  
 24   incorporated city, town, or in any other area served by a  
 25   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  
CERTIFIED LETTER to the board of plumbers and upon their  
 12 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  
 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  
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 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 2. 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

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' eempt 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.

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 10      TITLE 37, CHAPTER 69, APPLY TO SECTIONS 5 AND 6.

-End-