

SENATE BILL 82

Introduced by Harp

1/05	Introduced
1/05	Referred to Business & Industry
1/05	First Reading
1/12	Hearing
1/20	Committee Report--Bill Not Passed
1/20	Adverse Committee Report Adopted

1                    SENATE BILL NO. 82  
2     INTRODUCED BY HARP  
3                    BY REQUEST OF THE DEPARTMENT OF COMMERCE  
4  
5     A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE  
6     PLUMBING LAWS; CLARIFYING DEFINITIONS OF AND EXCEPTIONS TO  
7     PLUMBING INSTALLATION LICENSURE; ELIMINATING THE PROVISION  
8     STATING THAT THERE IS NO PENALTY FOR HIRING AN UNLICENSED  
9     PLUMBER; SPECIFYING THAT A VIOLATION OF THE PLUMBING LAWS IS  
10    A CONTINUING VIOLATION; AMENDING SECTIONS 37-69-101,  
11    37-69-102, AND 37-69-324, MCA; AND REPEALING SECTION  
12    37-69-103, MCA."  
13  
14    BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
15        **Section 1.** Section 37-69-101, MCA, is amended to read:  
16        "37-69-101. Definitions. Unless the context requires  
17        otherwise, in this chapter the following definitions apply:  
18        (1) "Board" means the board of plumbers provided for in  
19        2-15-1875.  
20        (2) "Department" means the department of commerce  
21        provided for in Title 2, chapter 15, part 18.  
22        (3) "Drainage system" means all the piping that is  
23        inside and outside the walls of a building and that conveys  
24        sewage or other liquid wastes outside the building to--the  
25        building--sewer but that does not extend more than 2 20 feet

1     outside the building way. The term includes the building  
2     sewer.  
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) Except as provided in subsection (7)(b),  
16      "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 20 feet beyond the building foundation line, and includes  
22      potable water piping, water heaters, and vents for the  
23      premises.  
24      (b) As defined in subsection (7)(a), "plumbing system"  
25      does not include water services installed and maintained by

1 water districts or water user associations in which water  
2 service is installed by any qualified person appointed or  
3 hired by the administrative authority of the water system.

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

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

12 (10) "Transient guest" means a guest who stays 180 days  
13 or less, such as a member of the traveling public."

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

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

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

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

25 (c) ~~in~~ on a farm or ranch of 20 acres or more, provided

1 that the installation is used in conjunction with an  
2 agricultural or livestock raising operation and is not  
3 connected to either a public water supply and or a sewage  
4 disposal systems system;

5 (d) in cities, towns, water districts, and water user  
6 associations extending their own water and sewer mains;

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

9 (f) minor work by employees or agents of an appliance  
10 dealer incidental to the installation of an appliance  
11 purchased from the dealer; and

12 (g) installation of a water meter by a qualified person  
13 appointed by the administrative authority of the water  
14 system.

15 (2) This chapter ~~shall~~ may not be construed to apply to  
16 or to affect plumbing installations;

17 (a) in any mines, mills, smelters, refineries, public  
18 utilities, or railroads; ~~i~~ or plumbing-installations

19 (b) on farms or ranches, as specified in subsection  
20 (1)(c), not connected to public water supply or sewage  
21 disposal systems.

22 (3) A plumbing installation in a hotel, motel, inn,  
23 motor court, guest ranch, tourist court, or public lodging  
24 house or in a place where sleeping accommodations are  
25 furnished for a fee to a transient guest is not exempt from

1 the licensure requirements of this chapter."

2 **Section 3.** Section 37-69-324, MCA, is amended to read:

3 "37-69-324. Penalty. (1) A person who works at in the  
4 field of plumbing or maintains or conducts a plumbing  
5 business or an individual who connects or disconnects  
6 plumbing from a public water or sewer system in violation of  
7 any provisions of this chapter or at a time when he the  
8 person is not exempt from the provisions of this chapter  
9 pursuant to the provisions of a duly enacted and subsisting  
10 ordinance of a city or town is guilty of a misdemeanor and,  
11 upon conviction thereof in any court of competent  
12 jurisdiction, is guilty of a misdemeanor. However, this  
13 chapter may not be construed to apply to or affect plumbing  
14 or pipefitting as indicated in the 37-69-102 exceptions.

15 (2) A violation of this chapter is a continuing  
16 violation. The statute of limitations is tolled until the  
17 violation ceases. The county attorney shall, upon request of  
18 the board, prosecute any violation of the licensing  
19 requirements of this chapter."

20 **NEW SECTION. Section 4.** Repealer. Section 37-69-103,  
21 MCA, is repealed.

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