SENATE BILL NO. 83

INTRODUCED BY HARP BY REQUEST OF THE DEPARTMENT OF COMMERCE

IN THE SENATE

JANUARY 5, 1993

INTRODUCED AND REFERRED TO COMMITTEE ON BUSINESS & INDUSTRY.

DO PASS AS AMENDED. REPORT ADOPTED.

INTRODUCED AND REFERRED TO COMMITTEE

FIRST READING.

PRINTING REPORT.

- JANUARY 14, 1993
- JANUARY 15, 1993

JANUARY 16, 1993

THIRD READING, PASSED. AYES, 46; NOES, 1.

ENGROSSING REPORT.

COMMITTEE RECOMMEND BILL

SECOND READING, DO PASS.

TRANSMITTED TO HOUSE.

IN THE HOUSE

JANUARY 18, 1993

ON BUSINESS & ECONOMIC DEVELOPMENT.

FIRST READING.

JANUARY 27, 1993 COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.

JANUARY 30, 1993 SECOND READING, CONCURRED IN.

FEBRUARY 3, 1993 THIRD READING, CONCURRED IN. AYES, 97; NOES, 1.

FEBRUARY 4, 1993 RETURNED TO SENATE.

IN THE SENATE

FEBRUARY 4, 1993

RECEIVED FROM HOUSE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

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LC 0825/01

tana Legislative Council

SENATE BILL NO. 83 1 INTRODUCED BY HARP 2 3 BY REQUEST OF THE DEPARTMENT OF COMMERCE 4 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THAT A 5 6 PERSON MUST BE LICENSED IN ORDER TO BE REFERRED FOR 7 EMPLOYMENT IN ELECTRICAL WORK; PROVIDING FOR RENEWAL OF 8 LICENSING FOR ELECTRICAL WORK EVERY 3 YEARS; SPECIFYING THAT 9 A VIOLATION OF THE ELECTRICAL LAW IS A CONTINUING VIOLATION; 10 AND AMENDING SECTIONS 37-68-301, 37-68-307, 37-68-310, 11 37-68-311, 37-68-312, AND 37-68-322, MCA." 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 13 14 Section 1. Section 37-68-301, MCA, is amended to read: 15 "37-68-301. License required to engage in electrical work. (1) A person may not engage in or work at the 16 17 business, trade, or calling of electrical contractor, residential electrician, journeyman electrician, or master 18 electrician in this state until he the person has received 19 20 from the department a license or permit to work as an electrical contractor, residential electrician, journeyman 21 22 electrician, or master electrician. 23 (2) An organization or employee of an organization, 24 such as a private or public employment agency or labor

union, who refers persons for employment by others may not

1	refer a person for employment by others to perform the work
2	of an electrical contractor, residential electrician,
3	journeyman electrician, or master electrician in this state
4	unless the person has received from the department a license
5	or permit to work as an electrical contractor, residential
6	electrician, journeyman electrician, or master electrician."
7	Section 2. Section 37-68-307, MCA, is amended to read:
8	"37-68-307. Examination procedure issuance of
9	master, journeyman, or residential electrician's license
10	expiration. (1) To insure ensure impartiality, the
11	examination for either the master's or journeyman's license
12	shall must be by numbers drawn by lot. A paper may not be
13	marked with the name of an applicant, but shall must be
14	anonymously graded by the department. The examination
15	passing grade is 75%.
16	(2) If it is determined that the applicant has passed
17	the examination, the department, on payment by the applicant
18	of the fee, shall issue to the applicant a license which
19	that authorizes him the licensee to engage in the business,
20	trade, or calling of a residential electrician, journeyman
21	electrician, or master electrician.
22	(3) Each original license expires on the July 15 which
23	that is at least 1-year 2 years but not more than 2 <u>3</u> years

25 Section 3. Section 37-68-310, MCA, is amended to read:

subsequent to the date of issuance."

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-2- SB 83 INTRODUCED BILL

LC 0825/01

*37-68-310. Annusł License renewal every three years. 1 Licenses of residential electricians, journeyman 2 electricians, or master electricians, unless they have been 3 suspended or revoked by the board, shall must be renewed for 4 a period of 1-year 3 years by the department on application 5 for renewal made to the department prior to July 15 of the б year in which the prior license expired and on the payment 7 of an--annual a renewal fee. If application for renewal is 8 not made prior to July 15, an additional fee prescribed by 9 the board shall must be paid on-account because of the 10 delinguency in renewal. All applications for renewal must be 11 made prior to August 15 of that the year in which the prior 12 license expired, otherwise the license is forfeited and the 13 applicant is required to pass the examination and pay the 14 fees required of applicants for original licenses." 15

Section 4. Section 37-68-311, MCA, is amended to read: 16 *37-68-311. Examination fee -- annual license fee --17 specific exemption for apprentices. (1) Master electricians 18 who---are--not--electrical--contractors and journeyman or 19 residential electricians installing or intending to install 20 for hire electric wiring or equipment to convey electric 21 current or apparatus to be operated by this current shall 22 make application for a license to the department. The 23 application shall must be on a form furnished by the 24 department and must be accompanied by an examination fee set 25

1 by the board. The forms **shall** must state the applicant's 2 full name₇--his and address, the extent of his work 3 experience, and other information required by the board. If the applicant has complied with the rules adopted by the 4 5 board and, being qualified, has successfully completed the 6 examination, he the applicant shall pay to the department an 7 annual a license fee set by the board for a master 8 electrician's license or for a journeyman or a residential 9 electrician's license, and upon receipt of the fee the 10 department shall issue the proper license to the applicant.

(2) A person 11 serving а 4-year electrician apprenticeship under the supervision of a licensed 12 electrician is exempt from the licensing provision of this 13 14 section during training. Credit for the time spent in an electrical school shall must be given to the master 15 16 electrician, journeyman electrician, residential 17 electrician, or apprentice, up to a total of 2 years, on the 18 4-year requirement."

19 Section 5. Section 37-68-312, MCA, is amended to read:

20 "37-68-312. Electrical contractor's license -21 application -- issuance -- fees -- renewal. Each electrical
22 contractor shall, before July 1 of each the year in which
23 the prior license expired, file with the department an
24 application in writing for each firm operated by him the
25 electrical contractor in this state to obtain a license. A

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LC 0825/01

1 license may not be issued until the applicant meets the requirements and has paid to the department a license fee 2 3 set by the board for each firm operated by him the electrical contractor. Licenses shall must bear the date of 4 issue. and-expire An original license expires on the July 1 5 following that is at least 2 years but not more than 3 years 6 7 subsequent to the date of issue issuance. An electrical contractor licensed under this chapter is entitled to have 8 9 his a license renewed for the ensuing year 3-year period by payment to the department of the license fee before the date 10 11 of expiration of the license and by meeting the requirements set by the board." 12

Section 6. Section 37-68-322, MCA, is amended to read:
 "37-68-322. Penalty. (1) Any person or corporation
 violating any provision of this chapter shall upon
 conviction thereof of a violation:

17 (a) if a person, be punished by a fine not more than
18 \$500, or by imprisonment for a term not to exceed 6 months,
19 or by revocation of his the license, or by such any
20 / combination of the fine, imprisonment, and revocation, in
21 the discretion of the court: and

22 (b) if a corporation, be punished by a fine of not more 23 ⁻ than \$1,000.

24 (2) Any officer or agent of a corporation or member or25 agent of a partnership or association who shall personally

participate participates in or be is an accessory to any
 violation of this chapter by such the partnership,
 association, or corporation shall be subject to the
 penalties herein prescribed for individuals.

5	(3) A violation of this chapter is a continuing
6	violation, and the statute of limitations is tolled until
7	the violation ceases. The county attorney shall, upon
8	request of the board, prosecute any violation of the
9	licensing requirements of this chapter."

-End-

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SB 0083/02

APPROVED BY COMM. ON BUSINESS & INDUSTRY

1	SENATE BILL NO. 83
2	INTRODUCED BY HARP
3	BY REQUEST OF THE DEPARTMENT OF COMMERCE
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THAT A
6	PERSON MUST BE LICENSED IN ORDER TO BE REFERRED FOR
7	EMPLOYMENT IN ELECTRICAL WORK; PROVIDING FOR RENEWAL OF
8	LICENSING FOR ELECTRICAL WORK EVERY-3-YEARS; SPECIFYING THAT
9	A VIOLATION OF THE ELECTRICAL LAW IS A CONTINUING VIOLATION;
10	AND AMENDING SECTIONS 37-68-301, 37-68-307, 37-68-310,
11	37-68-311, 37-68-312, AND 37-68-322, MCA."
12	
13	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
14	Section 1. Section 37-68-301, MCA, is amended to read:
15	"37-60-301. License required to engage in electrical
16	work. (1) A person may not engage in or work at the
17	business, trade, or calling of electrical contractor,
18	residential electrician, journeyman electrician, or master
19	electrician in this state until he the person has received
20	from the department a license or permit to work as an
21	electrical contractor, residential electrician, journeyman
22	electrician, or master electrician.
23	(2) An-organization-oremployeeofanorganization;

23 (2) An-organization-or-employee-of-an-organization;
 24 <u>such-as-a</u> <u>A private or public employment agency or labor</u>
 25 <u>union, OR AN EMPLOYEE THEREOF</u>, who refers persons for

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1	employment by others may not refer a person for employment
2	by others to perform the work of an electrical contractor,
3	residential electrician, journeyman electrician, or master
4	electrician in this state unless the person has received
5	from the department a license or permit to work as an
6	electrical contractor, residential electrician, journeyman
7	electrician, or master electrician."
8	Section 2. Section 37-68-307, MCA, is amended to read:
9	*37-68-307. Examination procedure issuance of
10	master, journeyman, or residential electrician's license
11	expiration. (1) To insure <u>ensure</u> impartiality, the
12	examination for either the master's or journeyman's license
13	shall must be by numbers drawn by lot. A paper may not be
14	marked with the name of an applicant, but shall must be
15	anonymously graded by the department. The examination
16	passing grade is 75%.
17	(2) If it is determined that the applicant has passed
18	the examination, the department, on payment by the applicant
19	of the fee, shall issue to the applicant a license which
20	that authorizes him the licensee to engage in the business,
21	trade, or calling of a residential electrician, journeyman
22	electrician, or master electrician.
23	(3) Each original license expires on the <u>A</u> July 15
24	which that is at-least-l-year 2-years but not more than 2 3

years subsequent to the date of issuance, AT THE DISCRETION

-2- SB 83 SECOND READING

1 OF THE BOARD."

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Section 3. Section 37-68-310, MCA, is amended to read: 2 3 "37-68-310. Annual License renewal every three years. residential Licenses of electricians, iourneyman 4 electricians, or master electricians, unless they have been 5 suspended or revoked by the board, shall must be renewed for 6 7 a period of 2-year 3 years by the department on application 8 for renewal made to the department prior to July 15 of the 9 year in which the prior license expired and on the payment 10 of an-annual a renewal fee. If application for renewal is 11 not made prior to July 15, an additional fee prescribed by 12 the board shall must be paid on-account because of the 13 delinquency in renewal. All applications for renewal must be 14 made prior to August 15 of that the year in which the prior 15 license expired, otherwise the license is forfeited and the 16 applicant is required to pass the examination and pay the 17 fees required of applicants for original licenses."

Section 4. Section 37-68-311, MCA, is amended to read: 18 19 "37-68-311. Examination fee -- annual license fee --20 specific exemption for apprentices. (1) Master electricians 21 who--are--not--electrical--contractors and journeyman or 22 residential electricians installing or intending to install for hire electric wiring or equipment to convey electric 23 24 current or apparatus to be operated by this current shall make application for a license to the department. The 25

application shall must be on a form furnished by the 1 department and must be accompanied by an examination fee set 2 3 by the board. The forms shall must state the applicant's 4 full name,---his and address, the extent of his work 5 experience, and other information required by the board. If the applicant has complied with the rules adopted by the 6 7 board and, being gualified, has successfully completed the examination, he the applicant shall pay to the department an 8 9 annual a license fee set by the board for a master 10 electrician's license or for a journeyman or a residential 11 electrician's license, and upon receipt of the fee the 12 department shall issue the proper license to the applicant.

13 servina (2) A person a 4-year electrician 14 apprenticeship under the supervision of a licensed 15 electrician is exempt from the licensing provision of this 16 section during training. Credit for the time spent in an 17 electrical school shall must be given to the master 18 electrician. journeyman electrician, residential electrician, or apprentice, up to a total of 2 years, on the 19 20 4-year requirement."

21 Section 5. Section 37-68-312, MCA, is amended to read:

22 "37-68-312. Electrical contractor's license -23 application -- issuance -- fees -- renewal. Each electrical
24 contractor shall, before July 1 of each the year in which
25 the prior license expired, file with the department an

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1 application in writing for each firm operated by him the 2 electrical contractor in this state to obtain a license. A 3 license may not be issued until the applicant meets the requirements and has paid to the department a license fee 4 5 set by the board for each firm operated by him the 6 electrical contractor. Licenses shall must bear the date of 7 issue. and-expire An EACH original license expires on the 8 July 1 following that is at-least-2-years-but-not-more-than 9 3-years subsequent to the date of issuance, AS 10 DETERMINED BY THE BOARD. An electrical contractor licensed 11 under this chapter is entitled to have his a license renewed 12 for the ensuing year 3-year period by payment to the department of the license fee before the date of expiration 13 14 of the license and by meeting the requirements set by the 15 board."

16 Section 6. Section 37-68-322, MCA, is amended to read:
17 "37-68-322. Penalty. (1) Any person or corporation
18 violating any provision of this chapter shall upon
19 conviction thereof of a violation:

(a) if a person, be punished by a fine not more than
\$500, or by imprisonment for a term not to exceed 6 months.
or by revocation of his the license, or by such any
combination of the fine, imprisonment, and revocation, in
the discretion of the court; and

25 (b) if a corporation, be punished by a fine of not more

1 than \$1,000.

2 (2) Any officer or agent of a corporation or member or 3 agent of a partnership or association who shall personally 4 participate participates in or be is an accessory to any 5 violation of this chapter by such the partnership, 6 association, or corporation shall be subject to the 7 penalties herein prescribed for individuals.

8 (3) A violation of this chapter is a continuing 9 violation, and the statute of limitations is tolled until 10 the violation ceases. The county attorney shall, upon 11 request of the board, prosecute any violation of the 12 licensing requirements of this chapter."

-End-

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SB 0083/02

 1
 SENATE BILL NO. 83

 2
 INTRODUCED BY HARP

 3
 BY REQUEST OF THE DEPARTMENT OF COMMERCE

5 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THAT A 6 PERSON MUST BE LICENSED IN ORDER TO BE REFERRED FOR 7 EMPLOYMENT IN ELECTRICAL WORK; PROVIDING FOR RENEWAL OF 8 LICENSING FOR ELECTRICAL WORK EVERY-3-YEARS; SPECIFYING THAT 9 A VIOLATION OF THE ELECTRICAL LAW IS A CONTINUING VIOLATION; 10 AND AMENDING SECTIONS 37-68-301, 37-68-307, 37-68-310, 11 37-68-311, 37-68-312, AND 37-68-322, MCA."

12

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

Section 1. Section 37-68-301, MCA, is amended to read: 14 15 *37-68-301. License required to engage in electrical 16 work. (1) A person may not engage in or work at the 17 business, trade, or calling of electrical contractor, 18 residential electrician, journeyman electrician, or master 19 electrician in this state until he the person has received 20 from the department a license or permit to work as an 21 electrical contractor, residential electrician, journeyman 22 electrician, or master electrician.

23 (2) <u>An-organization-or-employee-of-an-organizationy</u>
 24 <u>such--as--a</u> <u>A private or public employment agency or labor</u>
 25 <u>union, OR AN EMPLOYEE THEREOF, who refers persons for</u>

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1	employment by others may not refer a person for employment
2	by others to perform the work of an electrical contractor,
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4	electrician in this state unless the person has received
5	from the department a license or permit to work as an
6	electrical contractor, residential electrician, journeyman
7	electrician, or master electrician."
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12	examination for either the master's or journeyman's license
13	shall must be by numbers drawn by lot. A paper may not be
14	marked with the name of an applicant, but shall must be
15	anonymously graded by the department. The examination
16	passing grade is 75%.
17	(2) If it is determined that the applicant has passed
18	the examination, the department, on payment by the applicant
19	of the fee, shall issue to the applicant a license which
20	that authorizes him the licensee to engage in the business,
21	trade, or calling of a residential electrician, journeyman

23 (3) Each original license expires on the <u>A</u> July 15
24 which <u>that</u> is at-least-l-year <u>2-years</u> but not more than 2 <u>3</u>
25 years subsequent to the date of issuance, <u>AT THE DISCRETION</u>

electrician, or master electrician.

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THIRD READING

1 OF THE BOARD."

5

Section 3. Section 37-68-310, MCA, is amended to read: 2 "37-68-310. Annual License renewal every three years. 3 4 Licenses of residential electricians. iournevman electricians, or master electricians, unless they have been 5 suspended or revoked by the board, shall must be renewed for 6 a period of 1-year 3 years by the department on application 7 8 for renewal made to the department prior to July 15 of the year in which the prior license expired and on the payment 9 of en-ennual a renewal fee. If application for renewal is 10 not made prior to July 15, an additional fee prescribed by 11 the board shall must be paid on--account because of the 12 13 delinquency in renewal. All applications for renewal must be made prior to August 15 of that the year in which the prior 14 15 license expired, otherwise the license is forfeited and the applicant is required to pass the examination and pay the 16 fees required of applicants for original licenses." 17

Section 4. Section 37-68-311, MCA, is amended to read: 18 19 *37-68-311. Examination fee -- annual license fee --20 specific exemption for apprentices. (1) Master electricians 21 who--are--not--electrical--contractors and journeyman or 22 residential electricians installing or intending to install 23 for hire electric wiring or equipment to convey electric 24 current or apparatus to be operated by this current shall 25 make application for a license to the department. The

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SB 83

1 application shall must be on a form furnished by the department and must be accompanied by an examination fee set 2 by the board. The forms shall must state the applicant's 3 4 full name, -- his and address, the extent of his work experience, and other information required by the board. If 5 6 the applicant has complied with the rules adopted by the 7 board and, being qualified, has successfully completed the examination, he the applicant shall pay to the department an 8 annual a license fee set by the board for a master 9 10 electrician's license or for a journeyman or a residential 11 electrician's license, and upon receipt of the fee the 12 department shall issue the proper license to the applicant.

13 (2) A person serving а 4-year electrician 14 apprenticeship under the supervision of a licensed 15 electrician is exempt from the licensing provision of this 16 section during training. Credit for the time spent in an 17 electrical school shall must be given to the master 18 electrician. journeyman electrician. residential 19 electrician, or apprentice, up to a total of 2 years, on the 20 4-year requirement."

21 Section 5. Section 37-68-312, MCA, is amended to read:
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24 contractor shall, before July 1 of each the year in which
25 the prior license expired, file with the department an

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application in writing for each firm operated by him the 1 electrical contractor in this state to obtain a license. A 2 license may not be issued until the applicant meets the 3 requirements and has paid to the department a license fee 4 set by the board for each firm operated by him the 5 electrical contractor. Licenses shall must bear the date of 6 issue. and-expire An EACH original license expires on the 7 July 1 following that is at-least-2-years-but-not-more-than 8 3-years subsequent to the date of issue issuance, AS 9 DETERMINED BY THE BOARD. An electrical contractor licensed 10 under this chapter is entitled to have his a license renewed 11 for the ensuing year 3-year period by payment to the 12 13 department of the license fee before the date of expiration of the license and by meeting the requirements set by the 14 15 board."

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Section 6. Section 37-68-322, MCA, is amended to read:
 "37-68-322. Penalty. (1) Any person or corporation
 violating any provision of this chapter shall upon
 conviction thereof of a violation:

(a) if a person, be punished by a fine not more than
\$500, or by imprisonment for a term not to exceed 6 months,
or by revocation of his the license, or by such any
combination of the fine, imprisonment, and revocation, in
the discretion of the court; and

25 (b) if a corporation, be punished by a fine of not more

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SB 83

1 than \$1,000.

2 (2) Any officer or agent of a corporation or member or 3 agent of a partnership or association who shall personally 4 participate participates in or be is an accessory to any 5 violation of this chapter by such the partnership, 6 association, or corporation shall be subject to the 7 penalties herein prescribed for individuals.

8 (3) A violation of this chapter is a continuing
9 violation, and the statute of limitations is tolled until
10 the violation ceases. The county attorney shall, upon
11 request of the board, prosecute any violation of the
12 licensing requirements of this chapter."

-End-

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SB 0083/02

1	SENATE BILL NO. 83
2	INTRODUCED BY HARP
3	BY REQUEST OF THE DEPARTMENT OF COMMERCE
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THAT A
6	PERSON MUST BE LICENSED IN ORDER TO BE REFERRED FOR
7	EMPLOYMENT IN ELECTRICAL WORK; PROVIDING FOR RENEWAL OF
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9	A VIOLATION OF THE ELECTRICAL LAW IS A CONTINUING VIOLATION;
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 25 union, OR AN EMPLOYEE THEREOF, who refers persons for

1 employment by others may not refer a person for employment 2 by others to perform the work of an electrical contractor, residential electrician, journeyman electrician, or master 3 4 electrician in this state unless the person has received 5 from the department a license or permit to work as an 6 electrical contractor, residential electrician, journeyman electrician, or master electrician." 7 R **Section 2.** Section 37-68-307, MCA, is amended to read: 9 "37~68-307. Examination procedure -- issuance of 10 master, journeyman, or residential electrician's license --11 expiration. (1) To insure ensure impartiality, the 12 examination for either the master's or journeyman's license shall must be by numbers drawn by lot. A paper may not be 13

14 marked with the name of an applicant, but shall must be 15 anonymously graded by the department. The examination 16 passing grade is 75%.

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18 the examination, the department, on payment by the applicant
19 of the fee, shall issue to the applicant a license which
20 that authorizes him the licensee to engage in the business,
21 trade, or calling of a residential electrician, journeyman
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24 which <u>that</u> is at-least-l-year <u>2-years</u> but not more than 2 <u>3</u>
25 years subsequent to the date of issuance, AT THE DISCRETION

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SB 83

REFERENCE BILL

Section 3. Section 37-68-310, MCA, is amended to read: 2 "37-68-310. Annual License reneval every three years. 3 Licenses of residential 4 electricians, iourneyman 5 electricians, or master electricians, unless they have been suspended or revoked by the board, shall must be renewed for 6 7 a period of 1-year 3 years by the department on application 8 for renewal made to the department prior to July 15 of the year in which the prior license expired and on the payment 9 10 of an-annual a renewal fee. If application for renewal is 11 not made prior to July 15, an additional fee prescribed by 12 the board shall must be paid on--account because of the 13 delinquency in renewal. All applications for renewal must be 14 made prior to August 15 of that the year in which the prior 15 license expired, otherwise the license is forfeited and the 16 applicant is required to pass the examination and pay the 17 fees required of applicants for original licenses."

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SB 83

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or by revocation of his the license, or by such any
<u>combination of the</u> fine, imprisonment, and revocation, in
the discretion of the court; and

25 (b) if a corporation, be punished by a fine of not more

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1 than \$1,000.

2 (2) Any officer or agent of a corporation or member or agent of a partnership or association who shall personally 3 4 participate participates in or be is an accessory to any violation of this chapter by such the partnership, 5 association, or corporation shall be subject to 6 the penalties herein prescribed for individuals. 7 8 (3) A violation of this chapter is a continuing 9 violation, and the statute of limitations is tolled until 10 the violation ceases. The county attorney shall, upon 11 request of the board, prosecute any violation of the

12 licensing requirements of this chapter."