

37-69-301. License required. (1) Except as provided in **37-69-102**, a person working at the field of plumbing in this state, either as a master plumber or as a journeyman plumber, shall first obtain a license as provided in Title 37, chapter 69, part 3.

(2) A person who receives a license under the provisions of this chapter shall carry the license, or proof of licensure, at all times while working on a job site and performing work that requires a license. Acceptable proof of licensure must be determined by the board and made known by the department to each licensee when a license is issued.

37-69-304. Qualifications of applicants for journeyman plumber's license -- restriction on authority. (1) The following requirements must be met by applicants for a journeyman plumber's license:

- (a) a specific record of ~~5~~ 4 years of legally obtained experience in the field of plumbing. This experience requirement may be fulfilled by:

This is the statute that indirectly requires apprenticeship. Legally obtained experience can only be obtained by working under the exception 37-69-102 (i). It is difficult to determine what is meant by 37-69-304 (i). This section should be removed to simplify and clearly state requirements.

- ~~(i) ——— working 5 years in a major phase of the plumbing business, verified by time or pay records; or~~

This section should be removed. There's not a definition for Major phase of plumbing, and this could be used by someone with no practical plumbing experience. An applicant could argue that designing, reviewing plans, excavation, material procurement, or many other tasks are major phases.

(ii) completing an apprenticeship program meeting the standards set by the department or the United States department of labor (8000-hour minimum), bureau of apprenticeship. Credit toward this experience requirement may be given for time spent attending an accredited trade or other school specializing in training of value in the field of plumbing and approved by the board.

By putting an 8000-hour minimum in place, Montana would now align with the majority of other states that require licensure, and would also meet Federal guidelines for apprenticeship. The board has been allowing completion certificates from apprenticeship programs that only require 7500 hours to complete. These programs do not meet the requirements in 37-69-304 (ii) as a program that requires only 7500 hours would not meet standards set by the United states dept of labor.

(b) satisfactory completion of a written examination prescribed by the board and conducted by the department, subject to **37-1-101(4)**, testing the applicant's knowledge of techniques and methods employed in the field of plumbing and, if required by the board, a practical demonstration establishing competence in the special skills required in the field of plumbing.

(2) A licensed journeyman plumber may perform work only in the employment of a licensed master plumber unless otherwise permitted by rule of the board. Performing work in the employment of a licensed master plumber means the licensed master plumber shall observe the journeyman plumber's work at different times over the course of employment and for different levels of plumbing work.

37-69-102. Permanent and temporary exceptions. (1) Licensure is not required in the following instances of plumbing installation:

(a) when an owner of a single-family residence used exclusively for the owner's personal use installs all sanitary plumbing and potable water supply piping or when a mobile home dealer or a

manufactured housing dealer connects a mobile home or a manufactured house to existing sanitary and potable water supply 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 a farm or ranch not connected to public water supply and sewage disposal systems. For the purposes of this subsection (1)(c), a "farm or ranch" means the same as in **39-3-402**.

(d) in cities, towns, water districts, and water user associations extending, repairing, or replacing their own water and sewer mains;

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

This section creates a common issue for unlicensed practice. These installers often install water heaters and sections of pipe that are not covered by this exception.

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

(g) installation of a water meter by a qualified person appointed by the administrative authority of the water system;

(h) in the case of a private water supply, installation of the pump, waterline, or pressure tank, regardless of whether the pump, waterline, or pressure tank is located inside or outside the structure being served;

(i) in the case of an apprentice, as that term is defined in **39-6-101**, who is working under the supervision of a licensed plumber; and

(j) in the case of a student who is enrolled in a plumbing training program offered by an accredited college or university recognized by the board of regents if the student is undertaking class assignments in a classroom or a hands-on laboratory setting. This subsection (1)(j) does not authorize a student to engage in any plumbing work that will be incorporated or used in an occupied structure or connected to a plumbing system where work must be performed by a licensed plumber.

(2) This chapter may 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 or ranches not connected to public water supply or sewage disposal systems.

(3) If a licensed person is not available, the council or commission of a county, city, or town or the board of directors or managers of a water or sewer district or water utility may, by ordinance, rule, or resolution, authorize an unlicensed person to perform plumbing work on a temporary basis if:

(a) the council, commission, or board of directors has provided reasonable notice by certified letter to the board; and

(b) the board has approved the temporary authorization or has failed to respond to the certified letter required under subsection (3)(a) within 30 days of the letter's postmark.

(4) The council, commission, board of directors, or board shall withdraw the temporary authorization provided for in subsection (3) when a licensed person is reasonably available.

37-69-305. Qualifications of applicants for master plumber's license -- restriction on authority. (1) The following requirements must be met by an applicant for a master plumber's license:

(a) evidence of 4 years *and 6000 hours* of experience as a licensed journeyman plumber in the field of plumbing, verified by time or pay records of actual plumbing experience;

~~(b) evidence of 3 years of experience, which may run concurrently with the requirement in subsection (1)(a):~~

~~(i) working with a licensed master plumber; or~~

~~(ii) in a supervisory capacity in the field of plumbing; and~~

Changing the sections above would clarify licensure requirements and make it easier for the dept to issue licenses to applicants who are considered substantially equivalent. Section (a) requires 4 years of experience. This section is often misinterpreted by applicants resulting in unneeded calls to the board. Many applicants believe that they only need 6000 hours of work as a Journeyman to qualify for the Masters' exam and don't think that they need 4 years. Simplifying the language makes all their hours within the 4-year period count and clears up the requirement. Section (i) and (ii) are difficult to understand for applicants or board members, and dept employees. Section (i) is already taken care of for Montana applicants in 37-69-304 (2), this section could prevent an applicant from a jurisdiction that doesn't have a Masters license from being qualified to test. Section (ii) is confusing as supervisory capacity is not defined, and often times supervisors are not licensed Journeyman plumbers. Supervisors are commonly office staff who direct workers, HVAC installers, unlicensed owners or business partners, ect. This section could also restrict trade and prevent an applicant who is the only employee working under a Master in a small business, they would have a difficult time getting hours verification signed off if the master said they were never in a supervisory position. Deleting these sections would open up more opportunities for new small business to start.

(b) satisfactory completion of an examination prescribed by the board for master plumbers testing the applicant's knowledge of the field of plumbing, *applicable licensing and permitting laws* and demonstrating skill and ability in the field of plumbing.

A master plumber should demonstrate that they understand licensing and permitting laws. It is very common for a master to respond to a complaint saying they didn't know the rules, adding this language would make sure these important parts of the trade are being demonstrated.

~~(2) For purposes of subsection (1), 1 year of experience is 1,500 hours or more of work in a continuous 12-month period.~~

This section could be deleted if the changes are made to Section (a). This language has also caused issues of misinterpretation for Journeyman qualification, and apprenticeship. Applicants for Journeyman licenses often think that they qualify to test as soon as they have 7500 hours of experience but 37-69-304 only has a timeline requirement of 5 years. The office of apprenticeship has also misinterpreted this section and applied it to apprenticeship standards. There are many apprenticeship sponsors that have programs approved with a 7500-hour completion requirement. These programs would not meet federal guidelines of 8000-10000 hours.

(3) A master plumber may not allow the master plumber's license to be used by any person or firm, corporation, or business other than the master plumber's own for the purpose of obtaining permits or for doing plumbing work under the license.

50-60-506. Exceptions to permit requirement. (1) A permit is not required for any minor replacement or repair work, the performance of which does not have a significant potential for creating a condition hazardous to public health and safety.

(2) A permit is not required where the installation is exempt under the provisions of **37-69-102** or **50-60-503**.

(3) A state permit is not required whenever the installation occurs in an area governed by a county, city, or town and where there is in effect a county, city, or town building code that covers plumbing installations and that provides inspection procedures.

~~(4) This part does not prohibit the owner of residential property from making an installation for all sanitary plumbing and potable water supply piping without a permit if the owner personally does the work.~~

This exception should be removed. Residential installation creates a threat to public water supplies. Removing this exception would not prohibit a homeowner from doing their own work, it would however minimize the potential of an improper installation causing a thret to a public water supply. This would just require the homeowner to obtain a permit and get their work inspected. This would only apply to homeowners that are connected to a public water supply.

This is also the most abused loophole within the exceptions. Unlicensed practice is often hidden here. It's common for unlicensed contractors to have home owners say they are doing the work themselves to avoid licensure laws and inspections.

(5) The provisions of this part do not apply to regularly employed maintenance personnel doing maintenance work on the business premises of their employer unless the work is subject to the permit provisions of this part.

37-69-102. Permanent and temporary exceptions. (1) Licensure is not required in the following instances of plumbing installation:

(a) when an owner of a single-family residence used exclusively for the owner's personal use installs all sanitary plumbing and potable water supply piping or when a mobile home dealer or a manufactured housing dealer connects a mobile home or a manufactured house to existing sanitary and potable water supply 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 a farm or ranch not connected to public water supply and sewage disposal systems. For the purposes of this subsection (1)(c), a "farm or ranch" means the same as in **39-3-402**.

(d) in cities, towns, water districts, and water user associations extending, repairing, or replacing their own 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;

(g) installation of a water meter by a qualified person appointed by the administrative authority of the water system;

(h) in the case of a private water supply, installation of the pump, waterline, or pressure tank, regardless of whether the pump, waterline, or pressure tank is located inside or outside the structure being served;

(i) in the case of an apprentice, as that term is defined in **39-6-101**, who is working under the supervision of a licensed plumber; and

(j) in the case of a student who is enrolled in a plumbing training program offered by an accredited college or university recognized by the board of regents if the student is undertaking class assignments in a classroom or a hands-on laboratory setting. This subsection (1)(j) does not authorize a student to engage in any plumbing work that will be incorporated or used in an occupied structure or connected to a plumbing system where work must be performed by a licensed plumber.

(2) This chapter may 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 or ranches not connected to public water supply or sewage disposal systems.

(3) If a licensed person is not available, the council or commission of a county, city, or town or the board of directors or managers of a water or sewer district or water utility may, by ordinance, rule, or resolution, authorize an unlicensed person to perform plumbing work on a temporary basis if:

(a) the council, commission, or board of directors has provided reasonable notice by certified letter to the board; and

(b) the board has approved the temporary authorization or has failed to respond to the certified letter required under subsection (3)(a) within 30 days of the letter's postmark.

(4) The council, commission, board of directors, or board shall withdraw the temporary authorization provided for in subsection (3) when a licensed person is reasonably available.