

DEPARTMENT OF LABOR AND INDUSTRY

CHAPTER 180

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## Subchapter 1

## Organizational Rule

24.180.101 BOARD ORGANIZATION (1) The Board of Plumbers hereby adopts and incorporates the organizational rules of the Department of Labor and Industry as listed in chapter 1 of this title. (History: 37-69-202, MCA; IMP, 2-4-201, MCA; Eff. 12/31/72; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; TRANS, from Commerce, 2004 MAR p. 1472.)

## Subchapter 2

## Procedural Rules

24.180.201 PROCEDURAL RULES (1) The Board of Plumbers hereby adopts and incorporates the procedural rules of the Department of Labor and Industry as listed in chapter 2 of this title. (History: 37-69-202, MCA; IMP, 2-4-201, MCA; Eff. 12/31/71; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; TRANS, from Commerce, 2004 MAR p. 1472.)

24.180.202 CITIZEN PARTICIPATION (1) The Board of Plumbers hereby adopts and incorporates by this reference the public participation rules of the Department of Commerce as listed in chapter 2 of Title 8. (History: 37-69-202, MCA; IMP, 2-3-103, MCA; NEW, Eff. 4/4/77; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; TRANS, from Commerce, 2004 MAR p. 1472.)

24.180.203 BOARD MEETINGS (1) Robert's Rules of Order shall pertain at all meetings of the board in the conduct of its affairs, except when the board is engaged in hearings as hereinafter provided.

(2) Special sessions shall be held at any time or any place within the state as the board may order.

(3) Sessions for receiving, considering and acting upon petitions, applications or other communications, and also for considering and acting upon any business of the board, other than such as has been ordered for hearing, shall be held at its offices in the city of Helena, Montana, or as the board shall order. (History: 37-69-202, MCA; IMP, 37-69-202, MCA; Eff. 12/31/72; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; TRANS, from Commerce, 2004 MAR p. 1472.)

## Subchapter 3

## Definitions

24.180.301 DEFINITIONS (1) "Employ" means to provide with a job that pays wages or a salary, and includes the responsibility of hiring and firing. The employer shall pay payroll taxes on behalf of the employee.

(2) "Farm or ranch" is defined in 39-3-402, MCA.

(3) "Installation of plumbing and drainage systems" means, but is not limited to, the measuring, laying-out, cutting, fitting, soldering, and gluing of pipe and/or the installation of fixtures and equipment for the purpose of connecting potable water or sewage.

(4) "Installation of water conditioner service" means installation of a device that requires connection to the water piping only and the installation of the drain to an acceptable indirect waste receptor as required by the plumbing code, as adopted by the state of Montana, and as required by Title 37, chapter 69, MCA. This exemption does not apply to connections to any public water supply or to commercial installations.

(5) "Master plumber of record" means a licensed master plumber who is designated as the "master plumber of record" for a plumbing business under ARM 24.180.507.

(6) "Minor work" means installation of an appliance that requires connection to the water piping only and the installation of the drain to an acceptable indirect waste receptor as required by the plumbing code, as adopted by the state of Montana, and as required by Title 37, chapter 69, MCA. The installation must be performed by an agent of, or the dealer from whom the appliance was purchased.

(7) "Manufactured house" means a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or when erected on-site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein, except that such term shall include any structure which meets all the requirements of this section, except the size requirements.

(8) "Plumbing business" means any person or entity that advertises, bids, contracts for, or performs work in the field of plumbing.

(9) "Supervision" means:

(a) is readily available for consultation with journeyman plumbers and with the authority having jurisdiction;

(b) provides periodic evaluation of journeyman plumbers' professional competence; and

(c) provides professional guidance to journeyman plumbers on an on-going basis. (History: 37-69-202, MCA; IMP, 37-69-102, 37-69-305, 37-69-306, 37-69-323, MCA; Eff. 12/31/72; AMD, 1978 MAR p. 200, Eff. 2/24/78; AMD, 1979 MAR p. 1685, Eff. 12/28/79; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1995 MAR p. 466, Eff. 3/31/95; AMD, 1995 MAR p. 2798, Eff. 12/22/95; AMD, 1996 MAR p. 2426, Eff. 9/20/96; AMD, 1998 MAR p. 1158, Eff. 5/1/98; AMD, 2000 MAR p. 825, Eff. 3/31/00; TRANS, from Commerce, 2004 MAR p. 1472; AMD, 2008 MAR p. 2271, Eff. 10/24/08; AMD, 2012 MAR p. 1635, Eff. 8/10/12.)



## Subchapter 4

## General Provisions

24.180.401 FEE SCHEDULE (1) Applicants approved by the board to take the licensing examination(s) shall pay the examination fee directly to the vendor. The fee is set by the vendor and varies by examination. Information concerning current vendor examination fees is available from the board office.

(2) Application fee	\$ 100
(a) Board-administered examination fee	400
(b) Board-administered reexamination fee	400
(3) Initial license fee	
(a) Journeyman	170
(b) Master	280
(4) Renewal fee	
(a) Journeyman	160
(b) Master	265
(5) Medical gas endorsement application fee	100
(6) Medical gas endorsement renewal fee	30
(7) Out-of-state licensure fee	300
(8) Temporary practice permit fee	100
(9) Master plumber of record fee	50
(10) Continuing education provider application fee	50
(11) Continuing education course fee	25
(12) Retirement status certificate fee (one-time fee)	25
(13) Fees are nonrefundable.	

(14) Additional standardized fees are specified in ARM 24.101.403. (History: 37-1-134, 37-69-202, 37-69-401, MCA; IMP, 37-1-134, 37-1-141, 37-1-304, 37-1-305, 37-69-303, 37-69-306, 37-69-308, 37-69-311, 37-69-401, MCA; NEW, 1984 MAR p. 1181, Eff. 8/31/84; AMD, 1993 MAR p. 141, Eff. 1/29/93; AMD, 1995 MAR p. 466, Eff. 3/31/95; AMD, 1995 MAR p. 2798, Eff. 12/22/95; AMD, 1996 MAR p. 2426, Eff. 9/20/96; AMD, 1998 MAR p. 1158, Eff. 5/1/98; AMD, 2000 MAR p. 825, Eff. 3/31/00; TRANS, from Commerce, 2004 MAR p. 1472; AMD, 2006 MAR p. 1583, Eff. 7/1/06; AMD, 2007 MAR p. 1029, Eff. 4/13/07; AMD, 2007 MAR p. 1029, Eff. 7/6/07; AMD, 2008 MAR p. 2271, Eff. 10/24/08; AMD, 2010 MAR p. 1609, Eff. 7/16/10.)

Rules 24.180.402 and 24.180.403 reserved

24.180.404 APPLICATIONS (1) An application for a master or journeyman plumber license must be submitted to the department and must be accompanied by the appropriate fee.

(2) An application will remain on file for one year from the date of receipt. If the applicant has not met all qualifications and been issued a license within that period, the application terminates, the fee is forfeited, and any passing score achieved by the applicant on the written licensure examination is no longer valid. To reapply, an application and appropriate fee must be submitted. (History: 37-1-131, 37-69-202, MCA; IMP, 37-69-303, MCA; Eff. 12/31/72; AMD, Eff. 12/5/74; AMD, Eff. 6/4/76; AMD, 1980 MAR p. 587, Eff. 2/15/80; TRANS, from Dept. of Prof. & Occup. Lic., Ch 274, L. 1981, Eff. 7/1/81; AMD, 1984 MAR p. 1181, Eff. 8/31/84; AMD, 1995 MAR p. 466, Eff. 3/31/95; AMD, 1996 MAR p. 2426, Eff. 9/20/96; AMD, 2000 MAR p. 825, Eff. 3/31/00; TRANS, from Commerce, 2004 MAR p. 1472; AMD, 2007 MAR p. 471, Eff. 4/13/07; AMD, 2008 MAR p. 2271, Eff. 10/24/08.)

24.180.405 NONROUTINE APPLICATIONS (1) Applications for licensure that disclose any of the following circumstances are nonroutine and must be reviewed and approved by the board before the license may be issued:

- (a) the applicant has ever been convicted of a felony;
- (b) the applicant has pled guilty or no contest to or been convicted of two or more misdemeanors, other than minor traffic violations within the past five years, regardless of whether an appeal is pending and regardless of whether the sentence was suspended or deferred;
- (c) any of the applicant's occupational or professional licenses have been disciplined or an application for a license was denied in any state or jurisdiction; or
- (d) any substantive irregularity deemed by department staff to warrant board review and approval prior to issuance of the license. (History: 37-1-131, 37-69-202, MCA; IMP, 37-1-101, 37-1-131, MCA; NEW, 2012 MAR p. 1635, Eff. 8/10/12.)

Rule 24.180.406 reserved

24.180.407 EXAMINATIONS (1) All master applicants must successfully complete a written examination with a score of 70 percent or greater.

(2) All journeyman applicants must successfully complete a written examination and a practical examination with a score of 70 percent or greater on each examination. The written examination must be passed before an applicant may take the practical examination.

(3) If an applicant fails three written examinations within the one year period of an application's viability, the applicant must submit proof of completion of 20 hours of continuing education as provided in ARM 24.180.2102 before the applicant will be approved to take the examination a fourth time. An applicant who fails the fourth written examination may not reapply for licensure for one year. (History: 37-1-131, 37-69-202, MCA; IMP, 37-69-304, 37-69-305, 37-69-306, MCA; Eff. 12/31/72; AMD, Eff. 12/5/74; AMD, Eff. 9/4/75; AMD, Eff. 6/4/76; AMD, 1978 MAR p. 1187, Eff. 8/11/78; AMD, 1979 MAR p. 41, Eff. 1/26/79; AMD, 1979 MAR p. 738, Eff. 7/13/79; AMD, 1979 MAR p. 1685, Eff. 12/28/79; AMD, 1981 MAR p. 957, Eff. 8/28/81; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1982 MAR p. 290, Eff. 2/12/82; AMD, 1982 MAR p. 1740, Eff. 10/1/82; AMD, 1984 MAR p. 1181, Eff. 8/31/84; AMD, 1995 MAR p. 466, Eff. 3/31/95; AMD, 1996 MAR p. 2426, Eff. 9/20/96; AMD, 2000 MAR p. 825, Eff. 3/31/00; TRANS, from Commerce, 2004 MAR p. 1472; AMD, 2007 MAR p. 471, Eff. 4/13/07; AMD, 2008 MAR p. 2271, Eff. 10/24/08.)

Rules 24.180.408 and 24.180.409 reserved

24.180.410 DUPLICATE AND LOST LICENSES (1) Duplicate licenses shall be provided by the board to persons requesting the same in writing, upon payment of the replacement fee as specified in ARM 24.101.403. (History: 37-69-202, MCA; IMP, 37-1-134, 37-1-141, MCA; Eff. 12/31/72; AMD, 1979 MAR p. 1685, Eff. 12/28/79; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1984 MAR p. 1181, Eff. 8/31/84; TRANS, from Commerce, 2004 MAR p. 1472; AMD, 2006 MAR p. 1583, Eff. 7/1/06.)

Rules 24.180.411 and 24.180.412 reserved

24.180.413 GENERAL RESPONSIBILITIES (1) Licensed journeyman and master plumbers shall have their licenses on their person at all times while engaged at the trade of plumbing.

(2) Licensed journeyman and master plumbers shall be required to show such license to appropriate authorities when requested to do so. (History: 37-69-202, MCA; IMP, 37-69-202, MCA; NEW, 1983 MAR p. 70, Eff. 1/28/83; TRANS, from Commerce, 2004 MAR p. 1472.)

## Subchapter 5

## Licensing and Scope of Practice

24.180.501 JOURNEYMAN PLUMBERS RESPONSIBILITIES (1) The fact that the master plumber assumes responsibility for assuring that all work performed by his employees shall be in compliance with the state plumbing code shall not relieve the journeyman plumber from his own individual responsibility for the proper performance of his work as a journeyman plumber and from his individual responsibility to his license and to the public for doing plumbing work in conformance with the requirements of the state plumbing code. (History: 37-69-202, MCA; IMP, 37-69-323, MCA; NEW, Eff. 6/5/74; AMD, 1979 MAR p. 1685, Eff. 12/28/79; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; TRANS, from Commerce, 2004 MAR p. 1472.)

Rules 24.180.502 and 24.180.503 reserved

24.180.504 QUALIFICATIONS - JOURNEYMAN (1) The board will accept the following documentation of experience for journeyman plumber applicants:

(a) written affirmation from a licensed master plumber(s) or a licensed plumbing contractor(s) by whom the applicant was employed, certifying by detailed description of the applicant's plumbing experience, that the applicant meets the qualifications set by 37-69-304, MCA. The written affirmation must verify that the applicant has a minimum of 7500 aggregate hours of experience in the field of plumbing over a period of not less than five years;

(b) a copy of an apprenticeship completion certificate or certified statement issued by the United States Department of Labor, Employment and Training Administration (ETA), Office of Apprenticeship Training, Employer and Labor Services (OATELS), or a recognized state apprenticeship agency/council. Experience granted for a registered apprenticeship is contingent upon successfully completing the requirement of the apprenticeship program;

(c) a transcript providing attainment of a first degree or advanced degree in an approved engineering curriculum or a baccalaureate degree in an approved engineering technology curriculum will be accepted as equivalent to two years of the five-year experience requirement;

(d) the board may, in its sole discretion, give appropriate credit for the following:

(i) graduation from an engineering technology curriculum not approved by the board;

(ii) completion of portions of such curriculum;

(iii) completion of a course of study in a technical institute or other recognized educational program, none of the above to exceed two years of the five-year experience requirement.

(e) upon documentation of practice in the fields of steam fitting, hydronics, and industrial piping, the experience will be accepted as equivalent to a maximum of two years of the five-year experience requirement. (History: 37-1-131, 37-69-202, MCA; IMP, 37-69-304, MCA; NEW, 1995 MAR p. 466, Eff. 3/31/95; AMD, 2000 MAR p. 825, Eff. 3/31/00; TRANS, from Commerce, 2004 MAR p. 1472; AMD, 2007 MAR p. 471, Eff. 4/13/07; AMD, 2008 MAR p. 2271, Eff. 10/24/08.)

24.180.505 JOURNEYMAN MUST WORK IN THE EMPLOY OF MASTER

(1) Unless otherwise permitted by the board, a journeyman plumber may perform work only in the employ of and under the supervision of a full-time licensed master plumber of record.

(2) The board recognizes that in certain instances to require a journeyman plumber to be in the employ of a master plumber of record may work a hardship, and in certain instances, the reason for requiring a master plumber of record may not exist. These instances may include journeyman plumbers who are employed by a government entity and a majority of whose work may be considered plumbing, does not involve initial installation, but rather, only certain minor kinds of maintenance to previously installed and existing plumbing.

(3) All licensed journeyman plumbers shall work only in the employ of a master plumber of record, unless the board grants an exemption from this requirement. To be exempted from this requirement, a journeyman plumber must file with the board a written application for exemption. That application must state by whom the journeyman plumber is employed, and it must state in detail the kind and amount of work the journeyman plumber is doing, especially those areas which may involve the field of plumbing.

(4) The board, upon review of the application, shall determine whether the type of employment and work thereunder shall require employment by a master plumber of record and may thereafter, in its discretion, grant or deny the application and define the scope of the exemption, including, but not limited to, any and all terms and conditions the board deems necessary or appropriate under the circumstances.

(5) A journeyman plumber license does not authorize the journeyman plumber to obtain a permit or to engage in or advertise as a plumbing business. (History: 37-69-202, MCA; IMP, 37-69-304, 37-69-306, MCA; NEW, Eff. 6/5/74; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1995 MAR p. 466, Eff. 3/31/95; TRANS, from Commerce, 2004 MAR p. 1472; AMD, 2012 MAR p. 1635, Eff. 8/10/12.)

24.180.506 QUALIFICATIONS - MASTER (1) The board will accept the following documentation of experience for master plumber applicants:

(a) Written affirmation from a licensed master plumber(s) or a licensed plumbing contractor(s) by whom the applicant was employed certifying by detailed description of the applicant's plumbing experience, that the applicant meets the qualifications set by 37-69-305, MCA.

(b) Practice in the fields of steam fitting, hydronics, and industrial piping will not be considered as acceptable experience in the field of plumbing for the master license experience requirement. (History: 37-1-131, 37-69-202, MCA; IMP, 37-69-305, MCA; NEW, 1995 MAR p. 466, Eff. 3/31/95; TRANS, from Commerce, 2004 MAR p. 1472; AMD, 2007 MAR p. 471, Eff. 4/13/07; AMD, 2008 MAR p. 2271, Eff. 10/24/08.)

24.180.507 MASTER PLUMBERS OF RECORD - REGISTRATION OF BUSINESS NAME

(1) At the time of application for licensure as a master plumber or at the time of renewal of the master's license, the applicant or licensee shall designate on the application whether the master plumber is designated as a master plumber of record and shall state the name of the plumbing business for which the master plumber will be so designated. The designation made on an application or renewal must be received by the board before the designation is effective.

(2) A master plumber must notify the board in writing whenever a master plumber is:

- (a) designated as the master plumber of record; or
- (b) terminated as the master plumber of record.

(3) If a new master plumber of record is designated for a plumbing business that already has a master plumber of record, the effect is a termination of the prior master plumber of record designation.

(4) No change of status will be lawful until the board receives actual notice in writing of the status change, regardless of whether the change is a designation as a master plumber of record, a termination as a master plumber of record, or both.

(5) A master plumber shall be the master plumber of record for only one plumbing business at any one point in time, and shall not assume or perform the duties or obligations of a master plumber of record for any other plumbing business, without first providing the notice required by this rule.

(6) A master plumber of record shall be responsible for supervising all plumbing work performed by the plumbing business for which the master plumber of record is designated and shall ensure that all plumbing work is done in compliance with all applicable standards, rules, codes, and statutes, including, but not limited to, licensing laws and building codes.

(7) A master plumber of record designation is required at all times that a plumbing business engages in any of the following:

- (a) advertising services in the field of plumbing;
- (b) bidding or contracting for work in the field of plumbing; and
- (c) applying for or obtaining a plumbing permit, or any part or renewal of a plumbing permit.

(History: 37-69-202, MCA; IMP, 37-69-305, 37-69-306, 37-69-323, MCA; NEW, Eff. 6/5/74; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1995 MAR p. 466, Eff. 3/31/95; AMD, 2000 MAR p. 825, Eff. 3/31/00; TRANS, from Commerce, 2004 MAR p. 1472; AMD, 2012 MAR p. 1635, Eff. 8/10/12.)

24.180.508 TEMPORARY EXCEPTIONS (1) The board may approve a temporary resolution of a county, city, or town or the board of directors or managers of a water or sewer district or water utility to authorize an unlicensed person to perform plumbing work if:

(a) there is not a licensed plumber within a 100 mile radius; and  
(b) reasonable notice has been submitted to the board in accordance with 37-69-102, MCA.

(2) The type of plumbing work is restricted to repair and maintenance of an existing plumbing system only.

(3) The county, city, or town or the board of directors or managers of a water or sewer district, or water utility shall be required to reapply for board approval every three years from the date of board approval, or at the time a new unlicensed person has been delegated, whichever occurs first. (History: 37-1-131, 37-69-202, MCA; IMP, 37-69-102, 37-69-103, MCA; NEW, 2007 MAR p. 471, Eff. 4/13/07.)



## Subchapter 6

## Licensing and Board Specific Rules

24.180.601 INVESTIGATION (1) The board reserves the right to conduct any independent investigation either before or after hearing, to the end that it may be fully informed.

(2) The board reserves the right to investigate any applicant, or application filed, and approve or disapprove the same. Upon acceptance or rejection of any application, the board will immediately notify applicant at the address given in the application. (History: 37-69-202, MCA; IMP, 37-1-308, 37-69-304, 37-69-305, MCA; Eff. 12/31/72; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1996 MAR p. 2426, Eff. 9/20/96; TRANS, from Commerce, 2004 MAR p. 1472; AMD, 2007 MAR p. 471, Eff. 4/13/07.)

Rule 24.180.602 reserved

24.180.603 RECIPROCITY (1) The board may enter into a written reciprocal agreement for journeyman licensure with the licensing authority of another state or jurisdiction if the other state or jurisdiction's qualifications for journeyman licensure include the following:

(a) five years of documented experience in the field of plumbing; and  
(b) a written examination based on the Uniform Plumbing Code with a minimum passing score of 70 percent.

(2) If the other state or jurisdiction does not require a practical examination with a minimum passing score of 70 percent, the applicant for journeyman licensure by reciprocity shall be required to pass the Montana practical examination with a score of 70 percent or greater.

(3) The board shall review the journeyman licensure qualifications of the reciprocal states or jurisdictions annually to verify ongoing equivalency.

(4) A current copy of the reciprocal state or jurisdiction's journeyman licensure requirements must be kept on file at the board office. (History: 37-1-131, 37-69-202, MCA; IMP, 37-1-304, MCA; NEW, 2007 MAR p. 471, Eff. 4/13/07; AMD, 2008 MAR p. 2271, Eff. 10/24/08.)

24.180.604 OUT-OF-STATE APPLICANTS (1) Out-of-state applicants for a master or journeyman plumber's license may provide proof of prior licensing in another state by submitting a copy or copies of the license(s) held along with a certified letter of verification from the state or local licensing agency stating date of licensure and requirements for licensure. If the qualifications from the state of original licensure are not equivalent to Montana's, the applicant will receive credit for the years required by the original state, but will need to provide the additional year's documentation as required by (2).

(2) Applicants from states with no journeyman or master licensing shall provide a notarized statement or letter from a qualified individual(s) acceptable to the board, with direct knowledge of the applicant's qualitative and quantitative plumbing experience equivalent to five years for the journeyman license and nine years for the master license. (History: 37-69-202, MCA; IMP, 37-1-304, MCA; NEW, 1995 MAR p. 466, Eff. 3/31/95; AMD, 1996 MAR p. 2426, Eff. 9/20/96; AMD, 2000 MAR p. 825, Eff. 3/31/00; TRANS, from Commerce, 2004 MAR p. 1472; AMD, 2007 MAR p. 471, Eff. 4/13/07.)

Rules 24.180.605 and 24.180.606 reserved

24.180.607 TEMPORARY PRACTICE PERMITS (1) An applicant for journeyman or master plumber license shall be issued a temporary practice permit to perform only journeyman plumber functions upon approval of the applicant to take the examination for the licensure sought and upon receipt of the appropriate fees. Master applicants holding temporary practice permits may not perform plumbing functions requiring a master plumber license.

(2) A temporary practice permit terminates 110 days after issuance, or upon the applicant's fourth failure of the written examination, or upon the applicant's failure of the practical examination with a score of less than 65 percent, whichever occurs first.

(3) A second temporary practice permit will be issued to an applicant who scores between 65 and 69 percent on the practical examination or, in the board's discretion, to an applicant unable to take the practical examination for which the applicant is scheduled due to a documented hardship. (History: 37-1-319, MCA; IMP, 37-1-305, MCA; NEW, 1996 MAR p. 2426, Eff. 9/20/96; AMD, 2000 MAR p. 825, Eff. 3/31/00; TRANS, from Commerce, 2004 MAR p. 1472; AMD, 2005 MAR p. 2460, Eff. 12/9/05; AMD, 2006 MAR p. 1583, Eff. 7/1/06; AMD, 2008 MAR p. 2271, Eff. 10/24/08.)

24.180.608 REISSUANCE OF LICENSE ON ACTIVE STATUS FOLLOWING RETIREMENT (1) A plumber whose license has been placed on retirement status pursuant to 37-69-311, MCA, may have the license reissued on active status by submitting a written request together with a renewal fee.

(2) In the event a license has been on retirement status for more than three years at the time a request to have the license reissued on active status is received, the retired plumber must pass the written licensure examination before the license may be reissued. (History: 37-1-131, 37-69-202, MCA; IMP, 37-69-311, MCA; NEW, 2008 MAR p. 2271, Eff. 10/24/08.)

## Subchapter 7

## Medical Gas Endorsement

24.180.701 MEDICAL GAS ENDORSEMENT REQUIRED - DEFINITIONS

(1) Any person performing the installation of a medical gas system(s) in the state of Montana shall first obtain an endorsement from the board.

(2) The installation of a medical gas system(s) includes, but is not limited to, the layout, cutting, joint preparation, fitting, purging and brazing, or any other joint making or assembly process required to install a medical gas system(s).

(3) The following definitions apply to this subchapter:

(a) "ASSE" means the American Society of Sanitary Engineering.

(b) "Certification" means an accreditation from an approved training program, acceptable to the board, which issues documentation such as diplomas, cards or certificates which provide proof the applicant has successfully completed training in the installation of medical gas systems, pursuant to the requirements imposed by NFPA 99C and Section IX of the ASME Welding and Brazing Code.

(c) "Endorsement" means the approval issued by the board, signified by an endorsement card or other credential, which authorizes a person to install medical gas systems within the state of Montana.

(d) "NFPA" means the National Fire Protection Association. (History: 37-69-202, 37-69-401, MCA; IMP, 37-69-402, MCA; NEW, 1995 MAR p. 2798, Eff. 12/22/95; AMD, 2000 MAR p. 825, Eff. 3/31/00; TRANS, from Commerce, 2004 MAR p. 1472.)

Rules 24.180.702 and 24.180.703 reserved

24.180.704 APPLICATION FOR MEDICAL GAS PIPING ENDORSEMENT

- (1) Any person required to obtain a medical gas endorsement shall make application to the board on the form prescribed by the board.
- (2) Application for endorsement shall include:
  - (a) a completed and signed application;
  - (b) documentation that provides proof the applicant has successfully completed an approved training program which meets the criteria of ASSE series 6000 professional qualification standards and a third-party testing source acceptable to the board, and has obtained certification in the installation of medical gas systems, based on NFPA 99C and Section IX of the ASME Welding and Brazing Codes; and
  - (c) the nonrefundable application fee.
- (3) The board will review applications for endorsement on a case-by-case basis and issue endorsements to those applicants meeting the requirements imposed by 37-69-401, MCA.
- (4) The board may, at its discretion, require additional documentation from an applicant to verify compliance with the requirements imposed by 37-69-401, MCA. (History: 37-1-131, 37-69-202, 37-69-401, MCA; IMP, 37-69-401, MCA; NEW, 1995 MAR p. 2798, Eff. 12/22/95; AMD, 2000 MAR p. 825, Eff. 3/31/00; TRANS, from Commerce, 2004 MAR p. 1472; AMD, 2008 MAR p. 2271, Eff. 10/24/08.)

Rules 24.180.705 and 24.180.706 reserved

24.180.707 RENEWAL OF ENDORSEMENT (1) All medical gas endorsements must be renewed on or before the date set by ARM 24.101.413. Each endorsement holder must submit a renewal form, proof of a current certification, and the required renewal fee. (History: 37-1-141, 37-69-202, 37-69-401, MCA; IMP, 37-1-141, 37-69-401, MCA; NEW, 1995 MAR p. 2798, Eff. 12/22/95; AMD, 2000 MAR p. 825, Eff. 3/31/00; TRANS, from Commerce, 2004 MAR p. 1472; AMD, 2006 MAR p. 1583, Eff. 7/1/06.)

Rules 24.180.708 and 24.180.709 reserved

24.180.710 ENDORSEMENT VERIFICATION (1) Any person performing work on a medical gas system(s) installation shall have his or her endorsement credentials on their person at all times.

(2) Any person performing work on a medical gas system(s) installation shall present his or her endorsement credentials for examination when requested to do so by any party authorized to examine the credentials. (History: 37-69-202, 37-69-401, MCA; IMP, 37-69-401, MCA; NEW, 1995 MAR p. 2798, Eff. 12/22/95; TRANS, from Commerce, 2004 MAR p. 1472.)

Subchapters 8 through 20 reserved

## Subchapter 21

## Renewals

24.180.2101 RENEWALS (1) Renewal notices will be sent as specified in ARM 24.101.414.

(2) All master and journeyman licenses must be renewed on or before the date set in ARM 24.101.413.

(3) The provisions of ARM 24.101.408 apply. (History: 37-1-101, 37-1-141, 37-69-202, MCA; IMP, 37-1-141, MCA; Eff. 12/31/72; AMD, Eff. 1/3/76; AMD, 1979 MAR p. 41, Eff. 1/26/79; AMD, 1979 MAR p. 738, Eff. 7/13/79; AMD, 1979 MAR p. 1685, Eff. 12/28/79; AMD, 1981 MAR p. 957, Eff. 8/28/81; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1982 MAR p. 592, Eff. 3/26/82; AMD, 1983 MAR p. 1717, Eff. 1/1/84; AMD, 1984 MAR p. 1181, Eff. 8/31/84; AMD, 1995 MAR p. 466, Eff. 3/31/95; AMD, 1996 MAR p. 2426, Eff. 9/20/96; AMD, 2000 MAR p. 825, Eff. 3/31/00; TRANS, from Commerce, 2004 MAR p. 1472; AMD, 2006 MAR p. 1583, Eff. 7/1/06.)

24.180.2102 CONTINUING EDUCATION REQUIREMENTS (1) Beginning September 1, 2006, each journeyman or master plumber shall obtain at least four hours of board approved continuing education annually in order to renew the person's license. The license renewal application must be signed by the licensee and certify that the licensee has completed the required amount of continuing education.

(a) New licensees are exempt from the requirements during their first renewal cycle. Those licensees changing from journeyman licenses to master plumber licenses are not exempt from completing at least four hours of continuing education.

(2) In general, courses should be designed to advance the knowledge and skills of licensees. A licensee may receive credit only for continuing education courses that have received prior approval of the curriculum by the board or the department and to which a course approval number has been assigned by the department. Course approval expires when changes in plumbing code, statutes or rules necessitate.

(a) Course curriculum must be based on:

(i) the adopted state plumbing code;

(ii) Title 37, chapter 69, MCA, pertaining to licensure of plumbers;

(iii) Title 50, chapter 60, MCA, pertaining to building codes and permit requirements;

(iv) ARM Title 24, chapter 180, pertaining to the board's rules;

(v) ARM 24.301.301 through 24.301.351, pertaining to building code plumbing matters; or

(vi) other subjects related to the plumbing industry, as approved by the board.

(b) Course sponsors are responsible for ensuring that instructors are credentialed as one or more of the following:

(i) a Montana licensed journeyman or master plumber, with additional training in related subject areas;

(ii) a certified teacher with board approved plumbing credentials;

(iii) a certified journeyman and apprentice plumbing instructor;

(iv) a plumbing inspector possessing a state journeyman or master plumber's license; or

(v) continuing education instructor from another state or jurisdiction who is approved by the board.

(c) Course sponsors shall provide the department with a minimum of 15 working days prior notice of the time and place of every course or seminar.

(d) Course sponsors shall provide each person completing a continuing education course with a completion certificate. The completion certificate must contain all of the following information:

(i) the date of course;

(ii) the location of course;

(iii) the name of instructor(s);

(iv) the name of licensee completing the course;

(v) the state assigned course approval number; and

(vi) the number of completed hours of instruction.

(3) For quality assurance or evaluation purposes, representatives of the department or the board may audit the course for content without charge. Such a person shall not receive or be issued a certificate of completion for that course.

(4) The department may conduct a random audit of up to 50 percent of all active licensees following the licensee renewal process.

(a) All licensees shall retain course completion certificates for a minimum of three years, for auditing purposes.

(b) Audited licensees are required to furnish to the department certificates of completion which demonstrate attainment of the four hour continuing education requirement.

(c) Failure by the licensee to provide certificates of completion when audited shall constitute grounds for implementation of disciplinary proceedings against the licensee.

(5) All requests for exemption from the continuing education requirements will be reviewed by the board and determinations will be done on a case-by-case basis.

(6) If a licensee does not timely file a renewal application, and thereafter files a late renewal application, the late renewal application must contain documentary proof that the licensee has obtained the required amount of continuing education.

(History: 37-69-202, MCA; IMP, 37-1-306, MCA; NEW, 2006 MAR p. 764, Eff. 12/9/05.)



24.180.2103 QUALIFICATIONS - CONTINUING EDUCATION PROVIDER

- (1) An applicant for continuing education provider approval shall submit:
- (a) a completed board-approved provider application with the required fees;
  - (b) a completed board-approved application for each course with the required fees;
  - (c) a sample completion certificate as outlined in ARM 24.180.2102(2)(d);
  - (d) documented proof from the provider that instructors are credentialed as outlined in ARM 24.180.2102(2)(b);
  - (e) a syllabus of each course; and
  - (f) documented proof of the course curriculum as outlined in ARM 24.180.2102(2)(a).
- (2) Application and course approval will be at the discretion of the board.
- (3) Courses will expire on September 1 of the year in which a subsequent code is adopted. The board may also withdraw course approval at any time upon a determination by the board that amendments to statutes or rules make withdrawal of approval necessary or proper, or upon any other reasonable basis. (History: 37-1-131, 37-1-319, 37-69-202, MCA; IMP, 37-1-306, 37-1-319, MCA; NEW, 2010 MAR p. 1609, Eff. 7/16/10.)

Subchapter 22 reserved

## Subchapter 23

## Unprofessional Conduct

24.180.2301 UNPROFESSIONAL CONDUCT (1) The following conduct is deemed by the board to be unprofessional conduct:

- (a) failing to timely correct violations of the Montana State Building Code, which is provided for in Title 50, chapter 60, MCA. Whether a violation has been timely corrected must be determined in light of the seriousness of the violation and all other factors deemed relevant by the board;
- (b) being adjudicated under Title 39, MCA, by the court or agency having jurisdiction as having violated any workers' compensation, unemployment insurance, or independent contractor law in Montana, while working in the field of plumbing;
- (c) failing to comply with the continuing education requirements set forth in ARM Title 24, chapter 180;
- (d) violating any requirement found in Title 37, chapters 1 or 69, MCA, or ARM Title 24, chapters 101 or 180;
- (e) being found guilty or admitting to sufficient facts in relation to, or pleading guilty or *nolo contendere* to a crime in any jurisdiction, whether felony or misdemeanor, regardless of adjudication or sentence, that relates to the practice of plumbing or the ability to safely and effectively practice plumbing, including, but not limited to, violations of any state or federal laws or regulations regarding plumbing;
- (f) aiding or abetting a person to engage in conduct amounting to unprofessional conduct;
- (g) failing to respond to the board or the department within 30 days of the date when a correspondence has been mailed to the current address of the licensee on file with the board;
- (h) allowing false or misleading advertising in relation to the licensee's business as it relates to the field of plumbing; and
- (i) engaging in a commercial activity that conflicts with responsibility to clients or to other licensees or apprentices.

(2) Upon a finding of unprofessional conduct as defined in (1), determined in accordance with the Montana Administrative Procedure Act, the board may impose sanctions, including, but not limited to, those allowed pursuant to 37-1-136 and 37-1-312, MCA; any additional cost or expense incurred by a licensee as a result of a sanction is the burden of the licensee. As additional forms of sanction, and without limiting the availability of any other sanction allowed by law, the board may:

- (a) require a specific ratio among the different types of licensees who are in the employment of a disciplined licensee;
- (b) require a specific ratio among the different types of licensees among whom a disciplined licensee is allowed to work;
- (c) require supervision or additional inspections; and
- (d) limit the licensee's scope of practice. (History: 37-1-131, 37-1-136, 37-1-319, 37-69-202, MCA; IMP, 37-1-131, 37-1-316, 37-1-319, MCA; NEW, 2012 MAR p. 1635, Eff. 8/10/12.)

## Subchapter 24

## Complaint Procedures

24.180.2401 COMPLAINT PROCEDURE (1) A person, government or private entity may submit a written complaint to the board charging a licensee or license applicant with a violation of board statute or rules, and specifying the grounds for the complaint.

(2) Complaints must be in writing, and shall be filed on the proper complaint form prescribed by the board.

(3) Upon receipt of the written complaint form alleging a violation of board statute or rules against a licensee, the board office shall log in the complaint and assign it a complaint number. The complaint shall then be sent to the licensee complained about for a written response. Upon receipt of the licensee's written response, both complaint and response shall be considered by the screening panel of the board for appropriate action, including dismissal, investigation or a finding of reasonable cause of violation of a statute or rule. The board office shall notify both complainant and licensee of the determination made by the screening panel.

(4) If a reasonable cause violation determination is made by the screening panel, the Montana Administrative Procedure Act shall be followed for all disciplinary proceedings undertaken.

(5) The screening panel shall review anonymous complaints to determine whether appropriate investigative or disciplinary action may be pursued, or whether the matter may be dismissed for lack of sufficient information.

(6) Upon receipt of the written complaint form alleging unlicensed practice, the board office shall log in the complaint and assign it a complaint number. The board counsel, under direction from the board chairman, will assign the complaint for immediate investigation. Upon receipt of the investigative report, both complaint and report shall be considered by the board for appropriate action, including dismissal, letter of warning, cease and desist order or injunctive action. The board office shall notify all parties involved of the determination made by the board.

(7) If, during the course of inspecting for license compliance, the compliance specialist of the department asks for a license from a person at a job site where the person is performing plumbing work and that person is unable to show proof of licensure, a citation will be issued as outlined in 37-69-310, MCA. (History: 37-69-202, MCA; IMP, 37-1-308, 37-1-309, MCA; NEW, 1996 MAR p. 2426, Eff. 9/20/96; AMD, 2000 MAR p. 825, Eff. 3/31/00; TRANS, from Commerce, 2004 MAR p. 1472.)

Rules 24.180.2402 and 24.180.2403 reserved

24.180.2404 SCREENING PANEL (1) The board screening panel shall consist of at least three board members, one of whom shall be a licensed plumber member of the board, and the other two of whom shall be board members selected by the chairman. The screening panel shall be appointed by the board chairman, and the chairman shall not serve as a screening panel member during the chairman's term in office. The chairman may reappoint screening panel members, or replace screening panel members as necessary at the chairman's discretion. (History: 37-69-202, MCA; IMP, 37-1-307, MCA; NEW, 1996 MAR p. 2426, Eff. 9/20/96; TRANS, from Commerce, 2004 MAR p. 1472.)