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Montana Department of LABOR & INDUSTRY

Business Standards Division

MONTANA BOARD OF PLUMBERS

MASTER PLUMBERS OF RECORD (December 13, 2012)

On August 10, 2012, amendments to Administrative Rules of Montana (ARM) 24.180.301, 505, and 507 took effect, altering how a master plumber of record is associated with a plumbing business. Questions have arisen in part because of those rule changes and also because the Montana Board of Plumbers (Board) has determined that a master's "own" plumbing business is simply the business with which the master plumber is associated as the "master plumber of record." This position paper is issued in order to express the Board's position on the issues of (1) whether ARM 24.180.301, 505, and 507 prohibit a "plumbing business" from identifying more than one master plumber of record; and (2) whether circumstances may arise where a plumbing business must identify additional master plumbers of record.

The Board recognizes that a plumbing business may operate in a number of locations throughout the state. A widespread business may necessitate the location of personnel, physical facilities and equipment, or all of these in multiple locations. The interpretation of ARM 24.180.301, 505, and 507 in a manner that prohibits the association of more than one master plumber of record in such circumstances runs

contrary to the protection of the public and works an injustice on the master plumber who must fulfill the responsibilities of ARM 24.180.507, including the duty to “be responsible for supervising all plumbing work performed by the plumbing business.”

The Board believes that the existence of either of the following circumstances will require a plumbing business to identify more than one master plumber of record:

1. When the expansion of a plumbing business’ operations to the extent that one master plumber of record is not able to fulfill the responsibilities provided in ARM 24.180.507; or
2. When management of a plumbing business functions in a manner that prevents the master plumber of record from fulfilling the responsibilities provided in ARM 24.180.507.

If the master plumber of record is aware of these circumstances, it is incumbent upon the master plumber of record to advise the plumbing business to name additional master plumbers of record, as necessary, to assure the adequate supervision of all plumbing work in the interests of discharging the master plumber of record’s duties and protecting the public. The failure on the part of a plumbing business to ensure adequate licensees to service its business could, ultimately, result in allegations of the unlicensed practice of plumbing against the plumbing business and allegations of unprofessional conduct against licensees who allow the practice to continue.