

SENATE BILL NO. 36

INTRODUCED BY D. ANKNEY

BY REQUEST OF THE ENERGY AND TELECOMMUNICATIONS INTERIM COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING AN EXEMPTION ALLOWING INDIVIDUALS TO PERFORM ELECTRICAL WORK ON A GRID-TIED GENERATOR ON THEIR PROPERTY OR RESIDENCE WITHOUT A LICENSE; AMENDING SECTIONS 37-68-102 AND 37-68-103, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

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

Section 1. Section 37-68-102, MCA, is amended to read:

"37-68-102. Definitions. Unless the context requires otherwise, in this chapter, the following definitions apply:

(1) "Board" means the state electrical board provided for in 2-15-1764.

(2) "Department" means the department of labor and industry provided for in Title 2, chapter 15, part 17.

(3) "Electrical construction" means work performed by an individual, firm, or corporation in which an electrical connection is made to a supply of electricity or in which electricity is supplied to any electric equipment installation for which a permit is required by the authority having jurisdiction.

(4) (a) "Electrical contractor" means a person, firm, partnership, corporation, association, or combination of these entities that undertakes or offers to undertake for another the planning, laying out, supervising, and installing or the making of additions, alterations, and repairs in the installation of wiring apparatus and equipment for electric light, heat, and power.

(b) The term does not include a person, firm, partnership, corporation, association, or combination of these entities that only plans or designs electrical installations.

(5) "Grid-tied generator" means a generator or a group of generators located on a utility customer's property or residence and designed to operate in parallel with a utility distribution facility.

~~(5)~~(6) "Journeyman electrician" means a person having the necessary qualifications, training, experience, and technical knowledge to wire for, install, and repair electrical apparatus and equipment for light, heat, power, and other purposes under the rules governing this work.

1 ~~(6)~~(7) "Journeyman level experience" means being recognized as a journeyman electrician by a state
2 or other legally authorized jurisdiction or having a minimum of 8,000 hours of practical experience.

3 ~~(7)~~(8) "Master electrician" means a person having the necessary qualifications, training, experience, and
4 technical knowledge to properly plan, ~~layout~~ lay out, and supervise the installation and repair of wiring apparatus
5 and equipment for electric light, heat, power, and other purposes under the rules governing this work.

6 ~~(8)~~(9) "Practical experience" means experience gained in the electrical construction industry consisting
7 of layout, assembly, repairs, wiring, and connection and testing of ~~connecting and testing~~ electrical fixtures,
8 apparatus, and control equipment, ~~and wiring~~ in residential and nonresidential settings pursuant to the provisions
9 of the national electrical code or pursuant to the requirements of another authority having jurisdiction.

10 ~~(9)~~(10) "Public utility" has the meaning provided in 69-3-101.

11 ~~(10)~~(11) "Residential electrician" means a person having the necessary qualifications, training,
12 experience, and technical knowledge to wire for, install, and repair electrical apparatus and equipment for light,
13 heat, power, and other purposes in residential construction consisting of ~~less~~ fewer than five living units in a single
14 structure under the rules governing this work.

15 (12) "Utility distribution facility" means a facility by and through which electricity is received from a
16 transmission services provider and distributed to a customer that is controlled or operated by a public utility,
17 municipally owned utility, or cooperative utility that provides electricity for sale to consumers."

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19 **Section 2.** Section 37-68-103, MCA, is amended to read:

20 **"37-68-103. Exemptions.** (1) This chapter does not apply to the installation, alteration, or repair of
21 electrical signal or communications equipment owned or operated by a public utility or a city. For purposes of this
22 exemption, "communications equipment" includes telephone wire inside a customer's premises. This chapter
23 does not prohibit a public utility from doing inside wiring to install, alter, repair, or maintain electrical equipment,
24 installations, or facilities in buildings owned by the public utility if the work is accomplished by an employee who
25 is a licensed electrician. If the building owned by the public utility is open to the public and the inside wiring
26 constitutes major renovation or construction, the installation, alteration, repair, or maintenance of electrical
27 equipment, installations, or facilities is subject to the permits and inspections required by law.

28 (2) The licensing or inspection provisions of this chapter do not apply to regularly employed maintenance
29 electricians doing maintenance work on the business premises of their employer or to line work on the business
30 premises of the employer when ordinary and customary in-plant or onsite installations, modifications, additions,

1 or repairs are performed.

2 (3) ~~(a) This~~ Except as provided in subsection (3)(b), this chapter does not require an individual to hold
3 a license to perform electrical work on the individual's own property or residence if the property or residence is
4 maintained for the individual's own use.

5 (b) Subsection (3)(a) does not include an exemption for an individual who is performing electrical work
6 on a grid-tied generator located at the individual's own property or residence.

7 (4) An individual, firm, partnership, or corporation may apply for licensure as an electrical contractor if
8 all electrical work performed by the individual, firm, partnership, or corporation is under the direction, control, and
9 supervision of a licensed master electrician or under the direction, control, and supervision of a licensed
10 journeyman electrician for residential construction consisting of less than five living units in a single structure.

11 (5) A person who plugs in an electrical appliance where an approved electrical outlet is already installed
12 may not be considered an installer.

13 (6) This chapter may not in any manner interfere with, hamper, preclude, or prohibit a vendor of any
14 electrical appliance from selling, delivering, and connecting any electrical appliance if the connection does not
15 necessitate the installation of electrical wiring of the structure in which the appliance is to be connected.

16 (7) (a) The licensing and inspection provisions of this chapter do not apply to an apprentice, as that term
17 is defined in 39-6-101, who is working under the supervision of a licensed electrician.

18 (b) Subsection (7)(a) includes an exemption for a person serving in an approved journeyman
19 apprenticeship program or a residential apprenticeship program during training if serving under the supervision
20 of a licensed electrician.

21 (8) The licensing provisions of this chapter do not apply to a student who is enrolled in an electrician
22 training program offered by an accredited college or university recognized by the board of regents if the student
23 is undertaking class assignments in a classroom or a hands-on laboratory setting. This subsection does not
24 authorize a student to engage in any electrical work that will be incorporated or used in an occupied structure.

25 (9) This chapter does not require an individual to hold a license to perform electrical work involving 90
26 volts or less of alternating current or direct current."

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28 NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval.

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30 NEW SECTION. Section 4. Applicability. [This act] applies to electrical work performed on or after July

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