
ELEVATOR LICENSING PROGRAM RULES

AS OF JUNE 30, 2021

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DEPARTMENT OF LABOR AND INDUSTRY

CHAPTER 142

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Subchapters 1 and 2 reserved

Subchapter 3

Definitions

24.142.301 DEFINITIONS For the purposes of this chapter, the following definitions apply:

- (1) "ANSI" means the American National Standards Institute.
- (2) "ASME" means the American Society of Mechanical Engineers.
- (3) "Conveyance" means the equipment set forth at 50-60-704(1), MCA.
- (4) "Conveyance work" means the design, construction, alteration, operation, maintenance, repair, inspection, installation, and testing of the equipment set forth at 50-60-704(1), MCA. Further definitions of these activities are located in the ASME codes adopted by reference at ARM 24.301.602.
- (5) "Elevator code" means the code contained in ARM 24.301.602.
- (6) "Helper" means an individual who is assisting with the installation of conveyance components by a licensed elevator mechanic or limited mechanic.
- (7) "Responsible elevator mechanic" means a designated individual employed by a licensed elevator contractor who is hired on a fulltime basis to ensure all work performed by the mechanic's employer is code compliant.
- (8) "Responsible limited mechanic" means a designated individual employed by a licensed limited elevator contractor who is hired on a fulltime basis to ensure that all work performed by the mechanic's employer is code compliant. (History: 37-73-102, 50-60-705, MCA; IMP, 37-73-102, 37-73-201, 37-73-202, 37-73-203, 37-73-204, 37-73-208, 37-73-212, 37-73-216, 50-60-704, MCA; NEW, 2006 MAR p. 553, Eff. 2/24/06; AMD, 2013 MAR p. 52, Eff. 1/18/13.)

24.142.302 SCOPE OF PRACTICE (1) Elevator mechanic licenses are not required for individuals who do not require access to the pit, hoistway, or top of the car to perform limited maintenance inside the car, which does not impact code compliance issues to include:

- (a) signal systems;
- (b) fans;
- (c) electric light fixtures;
- (d) illuminated thresholds; and
- (e) feeder wires to the terminals on the elevator main line control.

(2) Elevator mechanic licenses are not required for individuals who perform operational testing after the person doing the test has performed a lock-out and tag-out, and as long as the testing does not impact code compliance issues or require any form of conveyance disassembly. Such testing may include, but is not limited to:

- (a) fire service tests;
- (b) step/skirt index tests;
- (c) starting and stopping of equipment through normal means; or
- (d) smoke and heat detectors tests.

(3) The construction or modification of hoistway shaft enclosure or machine room enclosure that does not involve alteration, repair, or maintenance of an elevator does not require an elevator contractor's license. However, the construction or modification of these structures must comply with all other applicable sections of the currently adopted building regulations.

(4) A licensed elevator contractor may use a helper to assist a licensed elevator mechanic or limited mechanic to do conveyance work. Assistance does not include performing any function that requires knowledge, skills, or abilities of an elevator mechanic or limited mechanic. (History: 37-73-102, MCA; IMP, 37-73-102, 37-73-201, 37-73-203, 37-73-208, 37-73-212, MCA; NEW, 2006 MAR p. 553, Eff. 2/24/06; AMD, 2013 MAR p. 52, Eff. 1/18/13.)

Subchapter 4

General Provisions

24.142.401 GENERAL (REPEALED) (History: 37-1-101, 37-73-102, 50-60-203, MCA; IMP, 37-73-102, 37-73-201, 37-73-203, 37-73-208, 37-73-212, 37-73-216, MCA; NEW, 2006 MAR p. 553, Eff. 2/24/06; REP, 2013 MAR p. 52, Eff. 1/18/13.)

24.142.402 FEE SCHEDULE (1) Examination fees are set by the testing agency or the department and vary by examination type.

(2) Application for license by examination (applies to all categories and includes original license fee)	\$200
(3) Contractor - original license fee	600
(4) Annual renewal fee for all categories of licensure, except contractor	150
(5) Annual renewal fee for contractor license	600
(6) Application for license by endorsement or reciprocity (includes original license fee)	150
(7) Temporary permit	50
(8) Exam review fee	100
(9) Reexamination fee	50
(10) Continuing education course curriculum approval	200

(11) All fees are nonrefundable. (History: 37-1-101, 37-73-102, MCA; IMP, 17-2-302, 17-2-303, 37-1-101, 37-1-134, 37-73-102, 37-73-201, 37-73-204, 37-73-208, 37-73-212, 37-73-216, 37-73-221, MCA; NEW, 2006 MAR p. 553, Eff. 2/24/06; AMD, 2013 MAR p. 52, Eff. 1/18/13; AMD, 2021 MAR p. 475, Eff. 5/1/21.)

Rule 24.142.403 reserved

24.142.404 LICENSEE RESPONSIBILITIES (1) Licensed elevator mechanics, limited mechanics, elevator contractors, limited elevator contractors, and elevator inspectors shall have their licenses available on job sites at all times when employed in these capacities. As provided by 37-73-225, MCA, a licensed elevator mechanic and a limited elevator mechanic are subject to a fine for failure to produce proof of licensure upon request.

(2) All licensed elevator mechanics and limited licensed elevator mechanics shall perform conveyance work only in the employment of a licensed elevator contractor or limited licensed elevator contractor. An elevator mechanic who is a sole proprietor or individual engaging in the business of conveyance work must also be licensed as an elevator contractor.

(3) A licensed elevator contractor or limited elevator contractor shall not allow any person to perform elevator or other conveyance installation or repair work, unless the person is:

- (a) properly licensed;
- (b) in lawful possession of a valid temporary practice permit; or
- (c) registered as an apprentice, as provided in ARM 24.142.405.

(4) Elevator contractors are responsible for obtaining any permit required by the state of Montana or a certified local building code enforcement authority relating to conveyance work and are responsible for ensuring that work performed complies with the permitting requirements.

(5) Elevator contractors, limited elevator contractors, elevator mechanics, or limited mechanics may not allow their licenses to be used by other individuals, firms, corporations, or businesses for the purpose of obtaining conveyance permits or for performing conveyance work.

(6) An elevator contractor, limited elevator contractor, elevator mechanic, or limited mechanic may not perform work beyond the scope of the individual's license. (History: 37-73-102, MCA; IMP, 37-1-406, 37-1-410, 37-73-102, 37-73-201, 37-73-203, 37-73-208, 37-73-212, 37-73-225, MCA; NEW, 2006 MAR p. 553, Eff. 2/24/06; AMD, 2013 MAR p. 52, Eff. 1/18/13; AMD, 2021 MAR p. 475, Eff. 5/1/21.)

24.142.405 APPRENTICE REGISTRATION (REPEALED) (History: 37-73-102, 50-60-203, MCA; IMP, 37-73-202, MCA; NEW, 2006 MAR p. 553, Eff. 2/24/06; REP, 2021 MAR p. 475, Eff. 5/1/21.)

Subchapter 5

Licensing

24.142.501 DOCUMENTATION OF SUITABLE TRAINING AND EXPERIENCE (REPEALED) (History: 37-73-102, MCA; IMP, 37-1-104, 37-73-102, 37-73-201, 37-73-203, 37-73-208, 37-73-212, MCA; NEW, 2006 MAR p. 553, Eff. 2/24/06; REP, 2013 MAR p. 52, Eff. 1/18/13.)

24.142.502 ELEVATOR MECHANIC AND LIMITED MECHANIC LICENSURE QUALIFICATIONS (1) An applicant for an elevator mechanic's license shall furnish evidence satisfactory to the department that the applicant has:

- (a) successfully completed a state-approved apprenticeship or other education program that meets requirements established by department rule; or
- (b) has three years of experience verified by current or previous employers and, except as provided in (2), passed a written examination administered by the department.

(2) For the purpose of meeting the experience option requirement for licensure as an elevator mechanic, one year equals at least 1500 hours as verified by current or previous employers. The department may, for good cause, allow a substitute means of verification of the three-year experience requirement as determined appropriate in the department's sole discretion, such as employment, payroll, or tax records.

(3) An applicant for a limited mechanic's license shall furnish evidence satisfactory to the department that the applicant has passed a written examination administered by the department. (History: 37-73-102, 37-73-203, MCA; IMP, 37-73-102, 37-73-201, 37-73-203, 37-73-204, MCA; NEW, 2006 MAR p. 553, Eff. 2/24/06; AMD, 2013 MAR p. 52, Eff. 1/18/13; AMD, 2021 MAR p. 475, Eff. 5/1/21.)

24.142.503 ELEVATOR MECHANIC AND LIMITED MECHANIC

APPLICATIONS (1) An applicant shall have one year from the date of department approval to take the examination for which the application was approved. If the examination is not taken within that one-year period, the applicant will be required to submit a new application, provide written verification of experience, and pay the applicable fees.

(2) All applications shall be approved or disapproved on a case-by-case basis as the department may deem proper, according to the following criteria:

(a) complete application submitted;

(b) fees paid;

(c) acceptable work experience verified; and

(d) past disciplinary actions reviewed and considered, if applicable. (History: 37-73-102, MCA; IMP, 37-1-105, 37-73-102, 37-73-201, 37-73-203, 37-73-204, 37-73-221, MCA; NEW, 2006 MAR p. 553, Eff. 2/24/06; AMD, 2013 MAR p. 52, Eff. 1/18/13.)

24.142.504 TEMPORARY PRACTICE (1) The department may issue two types of temporary licenses:

(a) to elevator inspectors for a six-month temporary license, pending certification while under supervision of a licensed, certified inspector; and

(b) to elevator mechanics in the case of an emergency or disaster as provided at 37-73-216, MCA.

(2) All temporary practice permits are subject to revocation under contested case proceedings in 37-1-403, MCA. (History: 37-73-102, MCA; IMP, 37-73-102, 37-73-201, 37-73-216, MCA; NEW, 2006 MAR p. 553, Eff. 2/24/06; AMD, 2013 MAR p. 52, Eff. 1/18/13.)

Rule 24.142.505 reserved

24.142.506 ELEVATOR INSPECTOR QUALIFICATIONS (1) Unless they qualify for a temporary license under 37-73-208, MCA, applicants for elevator inspectors licenses shall provide evidence satisfactory to the department that they possess certification as such from one or more of the following entities:

- (a) ANSI;
- (b) NAESA;
- (c) ASME; or
- (d) another elevator inspector certification from a provider entity, as approved by the department on a case-by-case basis. (History: 37-73-102, MCA; IMP, 37-73-102, 37-73-201, 37-73-208, MCA; NEW, 2006 MAR p. 553, Eff. 2/24/06; AMD, 2013 MAR p. 52, Eff. 1/18/13.)

24.142.507 ELEVATOR CONTRACTOR APPLICATIONS (1) An applicant for an original license or renewal of an elevator contractor license shall submit:

- (a) a completed application;
- (b) the appropriate fee;
- (c) a general contractor registration to engage in the business of installing, repairing, or altering powered conveyances;
- (d) a currently dated, certified copy of a liability insurance policy issued to the business name listed on the application, which includes the insurance policy number, and which complies with the requirements of 50-60-716, MCA;
- (e) a current certificate of existence or a current certificate of fact issued by the Montana Secretary of State's office; and
- (f) a current list of all licensed elevator mechanics or inspectors who will be responsible for all work performed under the contractor's license, and any permit issued to the contractor, which shall be updated at license renewal.

(2) An individual owner or sole proprietor of an elevator contracting business not licensed as an elevator mechanic or inspector shall employ one or more licensed elevator mechanics or inspectors to perform all conveyance work done under that contractor's license and conveyance permits issued to that contractor. No holder of an elevator mechanic's license can be named as the responsible elevator mechanic for more than one elevator contractor at any given time.

(3) An owner of a limited elevator contracting business not licensed as a limited mechanic shall employ a limited mechanic to perform all work done under that contractor's license. No holder of a limited mechanic's license can be named as the responsible limited mechanic for more than one elevator contractor at any given time.

(4) A responsible elevator mechanic or responsible limited mechanic who leaves the employment of a licensed elevator contractor, for whatever reason, must provide written notification to the department of that fact within ten working days. The licensed elevator contractor must notify the department within ten working days, on a provided form, of the change of responsible elevator mechanic or responsible limited mechanic.

(a) Failure to name another responsible elevator mechanic or responsible limited mechanic, as applicable, within ten working days is cause for disciplinary action, including suspension or revocation of the elevator contractor's license.

(5) A licensed elevator mechanic or limited mechanic may be relieved from further responsibility under any application or permit if the elevator mechanic or limited mechanic has left or been discharged from the employment of an elevator contractor or owner, provided the elevator mechanic or limited mechanic sends a notice in writing to that effect within ten working days of the last day of employment to the department or the state or local building code enforcement entity, whichever is applicable. (History: 37-73-102, MCA; IMP, 37-1-104, 37-73-102, 37-73-201, 37-73-212, 50-60-716, MCA; NEW, 2006 MAR p. 553, Eff. 2/24/06; AMD, 2013 MAR p. 52, Eff. 1/18/13.)

Rule 24.142.508 reserved

24.142.509 EXAMINATIONS (1) Examinations are held at locations and times considered appropriate by the department. The department will provide reasonable notice to qualified applicants of the date, time, and location of examinations, or of approved vendors that administer the examination.

(2) A person who has failed to pass any examination may, upon the payment of the appropriate reexamination fee, take the next scheduled examination. Failure of examination means receiving a test score below 70 percent. Applicants who fail the test a second time may not take the test again within a two-month period after the last failed exam.

(3) In the event an applicant fails to pass any examination three times, the applicant must wait at least one year from the last failed exam before taking the exam again, after reapplying to the department and paying the required application fee.

(4) An applicant who has failed the elevator mechanic examination two or more times is not prohibited from taking the limited mechanic's licensing examination. Applicants must submit a request in writing to the department requesting the lower level examination at any subsequent time. (History: 37-73-102, MCA; IMP, 37-73-102, 37-73-201, 37-73-204, MCA; NEW, 2006 MAR p. 553, Eff. 2/24/06; AMD, 2013 MAR p. 52, Eff. 1/18/13; AMD, 2021 MAR p. 475, Eff. 5/1/21.)

24.142.510 LICENSURE BY RECIPROCITY OR ENDORSEMENT (1) The department may, on a case-by-case basis, enter into reciprocity agreements with other states or jurisdictions whose requirements are substantially equivalent to or greater than the standards of this state as a basis to issue elevator mechanic or limited mechanic licenses.

(2) Where no reciprocity agreement is applicable, mechanics licensed in other states may apply for licensure by endorsement in Montana. As used in this rule, "licensure by endorsement" means a formal reciprocal licensure agreement has not been signed with another specific state, but the qualifications for licensure in that state are substantially equal to Montana's qualifications for the same level of licensure.

(3) The department may issue a license by endorsement to an applicant licensed in another state provided that the applicant is seeking a license comparable to the predicate license, and the applicant:

(a) submits a completed application with the required fees; and

(b) holds a comparable current, active license in good standing to practice in another state or jurisdiction. (History: 37-73-102, MCA; IMP, 37-73-102, 37-73-201, 37-73-203, 37-73-204, MCA; NEW, 2006 MAR p. 553, Eff. 2/24/06; AMD, 2021 MAR p. 475, Eff. 5/1/21.)

Subchapters 6 through 20 reserved

Subchapter 21

Renewals and Continuing Education

24.142.2101 RENEWALS (REPEALED) (History: 37-73-102, MCA; IMP, 37-1-403, 37-73-220, MCA; NEW, 2006 MAR p. 553, Eff. 2/24/06; AMD, 2013 MAR p. 52, Eff. 1/18/13; REP, 2015 MAR p. 64, Eff. 1/30/15.)

24.142.2102 CONTINUING EDUCATION SPONSORS AND COURSES

(1) The department has the authority to approve continuing education sponsors and courses.

(2) Any person or entity may be a continuing education course sponsor. A sponsor may be a for-profit entity or a not-for-profit entity. As examples, a membership association or an organized labor training program may become a continuing education course sponsor.

(a) An entity wanting to be approved as a continuing education course sponsor must submit to the department a completed application.

(b) A sponsor must keep uniform records, for a period of three years, of attendance of licensees and these records must be available for inspection by the department at its request. Those records must include:

- (i) course title;
- (ii) course topic;
- (iii) course number;
- (iv) course credit hours;
- (v) date of course; and
- (vi) an attendance roster with the individual's license number(s).

(c) Course sponsors are responsible for the security of all attendance records or certificates of completion. Failure to do so constitutes grounds for suspension or revocation of the sponsor's approval.

(3) Continuing education course sponsors seeking course curriculum approval must submit a complete application as prescribed by the department and pay the required fee.

(a) To be approved, the course curriculum must conform to and reflect current standards and requirements governing the operation, construction, installation, alteration, inspection and repair of elevators and other conveyances.

(b) All course approvals expire July 1st of each year.

(c) The department may withdraw its approval of any course if it determines the course material or sponsor is no longer in compliance with the requirements of this rule. If the department withdraws its approval of a course, it will give the sponsor written notification of the withdrawal, specifying the reasons for its decision.

(d) Representatives of the department may attend and monitor approved courses without charge, but without obtaining continuing education course credit.

(4) A course sponsor is responsible for ensuring that instructors are suitably qualified regarding the subject matter the instructor will present.

(5) Course sponsors must provide completion certificates to licensees.

Course completion certificates must contain the following:

(a) course sponsor name;

(b) course title;

(c) course number;

(d) course credit hours; and

(e) name of person completing the course.

(6) Course sponsors must maintain a list of names and license numbers of the attendees. (History: 37-73-102, MCA; IMP, 37-73-102, 37-73-220, MCA; NEW, 2006 MAR p. 553, Eff. 2/24/06; AMD, 2013 MAR p. 52, Eff. 1/18/13.)

24.142.2103 CONTINUING EDUCATION CREDITS REQUIRED (1) Each holder of an elevator mechanic license, a limited elevator mechanic license, or an elevator inspector license must complete at least eight hours of approved continuing education during the year immediately preceding the annual renewal.

(2) Licensees must present valid completion certificates to the department upon request by the department.

(3) The department may conduct a random audit of 15 percent of all licensees annually for compliance with the continuing education requirement. Failure to obtain the requisite continuing education hours is grounds for license suspension or revocation. (History: 37-73-102, 37-73-220, MCA; IMP, 37-1-131, 37-73-102, 37-73-220, MCA; NEW, 2006 MAR p. 553, Eff. 2/24/06; AMD, 2013 MAR p. 52, Eff. 1/18/13.)

Subchapters 22 and 23 reserved

Subchapter 24

Unprofessional Conduct

24.142.2401 LICENSE DISCIPLINE (1) In addition to the conduct set forth in 37-1-410, MCA, the following conduct is also defined as unprofessional conduct:

- (a) failure to correct violations cited by the department;
- (b) failure to comply with state law relating to workers' compensation insurance, unemployment insurance, and independent contracting;
- (c) failure to comply with continuing education requirements set forth in ARM 24.142.2103;
- (d) failure to comply with the permitting provisions set forth in 50-70-709, MCA, and ARM 24.301.606;
- (e) failure to request an inspection as provided in ARM 24.301.606;
- (f) failure to provide proof of licensure upon request as prescribed in 37-73-225, MCA;
- (g) failure of a licensed elevator inspector to file condition reports as prescribed in ARM 24.301.623;
- (h) failure to notify the department of a material policy alteration or policy cancellation as required by 50-60-716, MCA; and
- (i) failure to comply with any law and rule governing elevator licensing program or the elevator code.

(2) The provisions of Title 37, chapter 1, part 4, MCA, govern the prosecution of unprofessional conduct. (History: 37-73-102, MCA; IMP, 37-1-402, 37-1-403, 37-1-404, 37-1-405, 37-1-406, 37-1-409, 37-1-410, 37-73-102, 37-73-225, 37-73-226, 37-73-227, MCA; NEW, 2006 MAR p. 553, Eff. 2/24/06; AMD, 2013 MAR p. 52, Eff. 1/18/13.)