

BEFORE THE DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the amendment of)
ARM 24.142.402 fee schedule,)
24.142.2103 continuing education)
credits required, and the repeal of)
24.142.2102 continuing education)
sponsors and courses, all pertaining)
to the Elevator Licensing Program)

NOTICE OF PUBLIC HEARING ON
PROPOSED AMENDMENT AND
REPEAL

TO: All Concerned Persons

1. On October 14, 2021, at 10:00 a.m., a public hearing will be held via remote conferencing to consider the proposed amendment and repeal of the above-stated rules. There will be no in-person hearing. Interested parties may access the remote conferencing platform in the following ways:

- a. Join Zoom Meeting, <https://mt-gov.zoom.us/j/84424322833>
Meeting ID: 844 2432 2833, Passcode: 766699
-OR-
- b. Dial by telephone, +1 406 444 9999 or +1 646 558 8656
Meeting ID: 844 2432 2833, Passcode: 766699

The hearing will begin with a brief introduction by department staff to explain the use of the videoconference and telephonic platform. All participants will be muted except when it is their time to speak.

2. The Department of Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Elevator Licensing Program no later than 5:00 p.m., on October 7, 2021, to advise us of the nature of the accommodation that you need. Please contact Carrie Baker, Elevator Licensing Program, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2004; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; or e-mail cbaker@mt.gov.

3. The rules proposed to be amended are as follows, stricken matter interlined, new matter underlined:

24.142.402 FEE SCHEDULE (1) through (9) remain the same.
~~(10) Continuing education course curriculum approval~~ 200
(11) remains the same but is renumbered (10).

AUTH: 37-1-101, 37-73-102, ~~37-73-201~~, 37-73-204, 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

REASON: See REASON for repeal of ARM 24.142.2102. The department estimates the fee elimination will affect three applicants for continuing education (CE) course approval and result in a \$600 reduction in annual revenue. Authority citations are being amended to accurately reflect the statutory sources of the department's rulemaking authority for this program.

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. Continuing education must be related to installing, altering, repairing, or testing elevators, escalators, dumbwaiters, or other equipment subject to the provisions of 50-60-704, MCA.

(2) remains the same.

~~(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.~~

AUTH: 37-73-102, 37-73-220, MCA

IMP: ~~37-1-131~~, 37-73-102, 37-73-220, MCA

REASON: See REASON for repeal of ARM 24.142.2102. Further, the department is striking (3) because it unnecessarily repeats statutory language of 37-1-420, MCA. Implementation citations are being amended to accurately reflect the statutes implemented through the rule.

4. The rule proposed to be repealed is as follows:

24.142.2102 CONTINUING EDUCATION SPONSORS AND COURSES

AUTH: 37-73-102, MCA

IMP: 37-73-102, 37-73-220, MCA

REASON: The department has determined it is reasonably necessary to repeal this rule and no longer pre-approve CE courses and sponsors. The department concluded that this process unnecessarily burdens licensees who must obtain CE credits for continued licensure. Historically, very few CE providers actually apply for approval, and often with very little time for licensees to attend the courses prior to the end of the renewal cycle.

5. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to Carrie Baker, Elevator Licensing Program, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or

e-mail to cbaker@mt.gov, and must be received no later than 5:00 p.m., October 14, 2021.

6. An electronic copy of this notice of public hearing is available at <https://boards.bsd.dli.mt.gov/elevator-contractors/> (department's web site). Although the department strives to keep its web site accessible at all times, concerned persons should be aware that web site may be unavailable during some periods, due to system maintenance or technical problems, and that technical difficulties in accessing a web site do not excuse late submission of comments.

7. The program maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this program. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding all program administrative rulemaking proceedings or other administrative proceedings. The request must indicate whether e-mail or standard mail is preferred. Such written request may be sent or delivered to the Elevator Licensing Program, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; faxed to the office at (406) 841-2305; e-mailed to cbaker@mt.gov; or made by completing a request form at any rules hearing held by the agency.

8. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

9. Regarding the requirements of 2-4-111, MCA, the department has determined that the amendment of ARM 24.142.402 and 24.142.2103 will not significantly and directly impact small businesses.

Regarding the requirements of 2-4-111, MCA, the department has determined that the repeal of ARM 24.142.2102 will not significantly and directly impact small businesses.

Documentation of the department's above-stated determinations is available upon request to the Elevator Licensing Program, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2004; facsimile (406) 841-2305; or to cbaker@mt.gov.

10. Carrie Baker, Program Manager, has been designated to preside over and conduct this hearing.

/s/ DARCEE L. MOE
Darcee L. Moe
Rule Reviewer

/s/ LAURIE ESAU
Laurie Esau, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State August 31, 2021.