

**ELECTRICAL BOARD LAWS**  
**AS OF THE 2019 LEGISLATIVE SESSION**

**TITLE 37, CHAPTER 68**  
**ELECTRICIANS AND ELECTRICAL SAFETY**

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## CHAPTER 68 ELECTRICIANS AND ELECTRICAL SAFETY

### Chapter Cross-References

Construction contracts, Title 18, ch. 2.  
Building construction standards, Title 50, ch. 60.

### Chapter Administrative Rules

Title 24, chapter 141, ARM State Electrical Board.

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## Part 1 General

**37-68-101. Purpose.** The purpose of this chapter is to:

- (1) protect the health and safety of the people of this state from the danger of electrically caused shocks, fires, and explosions;
- (2) protect property from the hazard of electrically caused fires and explosions;
- (3) establish a procedure for determining where and by whom electrical installations are to be made;
- (4) assure the public that persons making electrical installations are qualified; and
- (5) ensure that the electrical installations in this state meet minimum safety standards.

**History:** En. Sec. 2, Ch. 148, L. 1965; amd. Sec. 19, Ch. 366, L. 1969; amd. Sec. 1, Ch. 425, L. 1973; amd. Sec. 12, Ch. 226, L. 1974; amd. Sec. 269, Ch. 350, L. 1974; amd. Sec. 8, Ch. 504, L. 1977; R.C.M. 1947, 66-2802(part); amd. Sec. 1, Ch. 257, L. 2009.

### Compiler's Comments

*2009 Amendment:* Chapter 257 in (5) after "installations" deleted "and electrical products made and sold"; and made minor changes in style. Amendment effective October 1, 2009.

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

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

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

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

(11) "Residential 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 in residential construction consisting of fewer than five living units in a single structure under the rules governing this work.

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

**History:** En. Sec. 3, Ch. 148, L. 1965; amd. Sec. 270, Ch. 350, L. 1974; R.C.M. 1947, 66-2803; amd. Sec. 4, Ch. 546, L. 1979; amd. Sec. 3, Ch. 274, L. 1981; amd. Sec. 151, Ch. 483, L. 2001; amd. Sec. 2, Ch. 257, L. 2009; amd. Sec. 1, Ch. 12, L. 2017.

### **Compiler's Comments**

*2017 Amendment:* Chapter 12 inserted definitions of grid-tied generator and utility distribution facility; and made minor changes in style. Amendment effective February 13, 2017.

*Applicability:* Section 4, Ch. 12, L. 2017, provided: "[This act] applies to electrical work performed on or after July 1, 2017."

*2009 Amendment:* Chapter 257 inserted definitions of electrical construction, journeyman level experience, practical experience, and public utility; in definition of electrical contractor substituted (b) establishing exemption from definition for former exemption that read: "A registered electrical engineer who plans or designs electrical installations is not an electrical contractor"; and made minor changes in style. Amendment effective October 1, 2009.

*2001 Amendment:* Chapter 483 in definition of department substituted reference to department of labor and industry for reference to department of commerce and substituted "part 17" for "part 18"; and made minor changes in style. Amendment effective July 1, 2001.

*1981 Amendment:* Substituted "department of commerce" for "department of professional and occupational licensing" in (2); changed internal references to the department and the board.

### **Administrative Rules**

ARM 24.141.301 Definitions.

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

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

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

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

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

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

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

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

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

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

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

**History:** En. Sec. 12, Ch. 148, L. 1965; amd. Sec. 1, Ch. 423, L. 1973; amd. Sec. 1, Ch. 269, L. 1975; R.C.M. 1947, 66-2812; amd. Sec. 5, Ch. 546, L. 1979; amd. Sec. 1, Ch. 245, L. 1987; amd. Sec. 1450, Ch. 56, L. 2009; amd. Sec. 3, Ch. 257, L. 2009; amd. Sec. 1, Ch. 14, L. 2015; amd. Sec. 1, Ch. 90, L. 2015; amd. Sec. 2, Ch. 12, L. 2017.

### **Compiler's Comments**

*2017 Amendment:* Chapter 12 in (3)(a) inserted exception clause; inserted (3)(b) concerning grid-tied generator; and made minor changes in style. Amendment effective February 13, 2017.

*Applicability:* Section 4, Ch. 12, L. 2017, provided: "[This act] applies to electrical work performed on or after July 1, 2017."

*2015 Amendments — Composite Section:* Chapter 14 inserted (7) providing an exemption from licensing and inspection for apprentices; and inserted (8) providing an exemption for students enrolled in certain electrician training programs. Amendment effective July 1, 2015.

Chapter 90 inserted (9) concerning exemption for individuals performing certain electrical work. Amendment effective July 1, 2015.

*2009 Amendments — Composite Section:* Chapter 56 made section gender neutral; and made minor changes in style. Amendment effective October 1, 2009.

Chapter 257 in (4) near beginning substituted "may apply for licensure as an electrical contractor" for "may engage in business as an electrical contractor without an electrician's license", and near end before "journeyman electrician" inserted "licensed"; and made minor changes in style. Amendment effective October 1, 2009.

*1987 Amendment:* In (1) inserted second through fourth sentences relating to inclusions in "communications equipment" and to work in buildings owned by a public utility; and in (2), before "ordinary and customary", substituted "when" for "or to" and at end inserted "are performed".

### **Cross-References**

Exceptions to electrical installation requirements, 50-60-602.

### **Administrative Rules**

ARM 24.141.501 Electrician applications.

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## **Part 2**

## **State Electrical Board**

### **Part Cross-References**

Right to know, Art. II, sec. 9, Mont. Const.  
Seal defined, 1-4-201.  
Open meetings, Title 2, ch. 3, part 2.  
Adoption and publication of rules, Title 2, ch. 4, part 3.  
Allocation of boards for administrative purposes, 2-15-121.  
Quasi-judicial boards, 2-15-124.  
Board established, 2-15-1764.  
Issuance of injunctions on nonjudicial days, 3-1-302, 3-5-302.  
Contempts, Title 3, ch. 1, part 5.  
Affidavits, Title 26, ch. 1, part 10.  
Injunctions, Title 27, ch. 19.  
Duties of Department, Director, and boards, Title 37, ch. 1, part 1.  
Disrupting meeting as disorderly conduct, 45-8-101.

#### **Part Administrative Rules**

Title 24, chapter 141, subchapter 1, ARM Organization rules.  
Title 24, chapter 141, subchapter 2, ARM Procedural rules.

**37-68-201. Organization — meetings — rulemaking power — seal.** (1) Each July, the board shall elect from its membership a president, vice president, and secretary-treasurer.  
(2) The board shall meet quarterly and at other times that the board considers necessary.  
(3) The board shall:  
(a) adopt rules for the administration of this chapter, for the licensing of electrical contractors, and for the examination of master, journeyman, and residential electricians;  
(b) adopt a seal;  
(c) provide for the prosecution and enjoinder of persons violating this chapter.

**History:** (1), (2), (4)En. Sec. 5, Ch. 148, L. 1965; amd. Sec. 272, Ch. 350, L. 1974; amd. Sec. 11, Ch. 453, L. 1977; Sec. 66-2805, R.C.M. 1947; (3)En. Sec. 4, Ch. 148, L. 1965; amd. Sec. 1, Ch. 374, L. 1973; Sec. 66-2804, R.C.M. 1947; amd. and redes. 82A-1602.10 by Sec. 271, Ch. 350, L. 1974; amd. Sec. 58, Ch. 439, L. 1975; Sec. 82A-1602.10, R.C.M. 1947; R.C.M. 1947, 66-2805(1), (2)(a) thru (2)(c), 82A-1602.10(5); amd. Sec. 4, Ch. 245, L. 1987; amd. Sec. 123, Ch. 429, L. 1995; amd. Sec. 72, Ch. 492, L. 2001; amd. Sec. 110, Ch. 467, L. 2005; amd. Sec. 4, Ch. 257, L. 2009.

#### **Compiler's Comments**

*2009 Amendment:* Chapter 257 in (3)(a) near end before "electricians" inserted "residential"; and made minor changes in style. Amendment effective October 1, 2009.

*2005 Amendment:* Chapter 467 in (3) substituted "shall" for "may"; in (3)(a) after "examination" deleted "and licensing"; and made minor changes in style. Amendment effective July 1, 2005.

*2001 Amendment:* Chapter 492 deleted former (3) that read: "(3) A majority of the members of the board shall constitute a quorum for transaction of business"; and made minor changes in style. Amendment effective October 1, 2001.

*1995 Amendment:* Chapter 429 in (4)(a), after "contractors", deleted "for continuing education"; and made minor changes in style.

*Severability:* Section 131, Ch. 429, L. 1995, was a severability clause.

*Saving Clause:* Section 132, Ch. 429, L. 1995, was a saving clause.

*Applicability:* Section 133, Ch. 429, L. 1995, provided: "[This act] applies to licenses applied for, complaints submitted, and proceedings begun after [the effective date of this section]." Effective October 1, 1995.

*1987 Amendment:* In (4)(a) inserted reference to rules for continuing education.

*1987 Statement of Intent:* The statement of intent attached to Ch. 245, L. 1987, provided: "A statement of intent is required for this bill because section 4 [37-68-201] expands the rulemaking authority of the state electrical board to set requirements for continuing education for master and journeyman electricians.

The intention of the legislature is that the board adopt rules to require a master or journeyman electrician to attend classes to inform him of changes in the codes and safety standards, developments of new equipment, and other matters pertinent to the performance of his work."

*1979 Statement of Intent:* The statement of intent attached to SB 390 (Ch. 546, L. 1979) provided in part: "Section 3 defines and, together with other sections, provides for regulation of a new classification

of license, the residential electrician's license. Rules relating to the residential license should cover all areas now covered by board rules for journeyman and master electricians. The rules should set forth the basic content and the procedures and passing examination for the residential license. The examination should be tailored to meet the requirements for work as a residential electrician.

When appropriate and in conformance with law, the board may amend existing rules to make them applicable to the residential license."

Section 3 appears to refer to 37-68-102, as amended by Ch. 546. Section 37-68-201 was not amended by Ch. 546.

### **Administrative Rules**

Title 24, chapter 141, ARM State Electrical Board.

**37-68-202. Compensation and expenses of board members.** Each member of the board shall receive compensation and travel expenses as provided for in 37-1-133.

**History:** Ap. p. Sec. 4, Ch. 148, L. 1965; amd. Sec. 1, Ch. 374, L. 1973; Sec. 66-2804, R.C.M. 1947; amd. and redes. 82A-1602.10 by Sec. 271, Ch. 350, L. 1974; amd. Sec. 58, Ch. 439, L. 1975; Sec. 82A-1602.10, R.C.M. 1947; Ap. p. Sec. 5, Ch. 148, L. 1965; amd. Sec. 272, Ch. 350, L. 1974; amd. Sec. 11, Ch. 453, L. 1977; Sec. 66-2805, R.C.M. 1947; R.C.M. 1947, 66-2805(3), 82A-1602.10(4); amd. Sec. 33, Ch. 474, L. 1981.

### **Compiler's Comments**

*1981 Amendment:* Substituted section (see 1981 Session Law) for former text that read: "Each member of the board shall receive \$25 per day for each day served in the discharge of his duties, together with travel expenses, as provided for in 2-18-501 through 2-18-503, as amended, incurred in the performance of his duties".

*Board Compensation and Travel Expenses — Preamble:* The preamble of SB 463 (Ch. 474, L. 1981), which provided for uniform compensation and travel expenses for Board members, is located in the compiler's comments under 37-1-133.

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## **Part 3 Licensing**

### **Part Cross-References**

Licensing to follow contested case procedure, 2-4-631.

Duty of Department to administer and grade examinations, 37-1-101.

Duty of Board to adopt and enforce licensing and certification rules, 37-1-131.

Licensing boards to establish fees commensurate with costs, 37-1-134.

Licensing investigation and review — record access, 37-1-135.

Grounds for disciplinary action as grounds for license denial — conditions to new licenses, 37-1-137.

Licensure of criminal offenders, Title 37, ch. 1, part 2.

Nondiscrimination in licensing, 49-3-204.

### **Part Administrative Rules**

ARM 24.141.405 Fee schedule.

Title 24, chapter 141, subchapter 5, ARM Licensing.

### **Part Case Notes**

*Failure to Conform With Literal Language of Administrative Rule Not Illegal and Therefore Not Justification for Breach of Contract:* Lewis subcontracted to do the electrical work on five units being built by Huyser. In the first four units, some of the rough-in wiring was covered, but the electrical inspector did not require that all the wiring be visible even though the literal language of the administrative rule indicated that it should be. On the fifth unit, shelving had been installed before the inspection. Lewis insisted that it all be taken down, claiming that he could lose his license if it was not. Huyser had some of the shelving removed, exposing some of the rough-in wiring. Lewis refused to complete the work, and Huyser hired another electrician to complete the job. Lewis sued for payment, and Huyser counterclaimed. The lower court found for Huyser on the basis that the inspector had informed Lewis that he would not lose his license and that the inspector would accept part of the rough-in wiring being

exposed. The Supreme Court affirmed, holding that the administrative rule should be reasonably interpreted to allow for waiver by the inspector of the requirement that all rough-in wiring be exposed. The Supreme Court further held that violation of the rule was not a statutory ground for losing an electrical license. The rule having been waived, the contract was not contrary to the policy of express law so that Lewis had a good faith duty to perform the remainder of the contract. *Lewis v. Huyser*, 264 M 141, 870 P2d 95, 51 St. Rep. 192 (1994).

**37-68-301. License required to engage in electrical work.** (1) A person may not engage in or work at the business or trade of or hold out to the public that the person is an electrician, electrical contractor, residential electrician, journeyman electrician, or master electrician in this state until the person has received from the department a license or permit to work as an electrical contractor, residential electrician, journeyman electrician, or master electrician.

(2) A person who has received a license from the department under the provisions of this chapter shall carry the license at all times while working at a jobsite and performing work that requires a license.

(3) A private or public employment agency or labor union, or an employee of the agency or union who refers persons for employment by others may not refer a person for employment by others to perform the work of an electrical contractor, residential electrician, journeyman electrician, or master electrician in this state unless the person has received from the department a license or permit to work as an electrical contractor, residential electrician, journeyman electrician, or master electrician.

**History:** En. Sec. 6, Ch. 148, L. 1965; amd. Sec. 274, Ch. 350, L. 1974; R.C.M. 1947, 66-2806; amd. Sec. 6, Ch. 546, L. 1979; amd. Sec. 1, Ch. 31, L. 1993; amd. Sec. 2, Ch. 402, L. 1999; amd. Sec. 5, Ch. 257, L. 2009.

#### **Compiler's Comments**

*2009 Amendment:* Chapter 257 in (1) near beginning inserted "or hold out to the public that the person is an electrician"; in (2) near middle after "license" deleted "or proof of licensure" and deleted former second sentence that read: "Acceptable proof of licensure must be determined by the board and made known to each licensee by the department when a license is issued"; and made minor changes in style. Amendment effective October 1, 2009.

*1999 Amendment:* Chapter 402 inserted (2) regarding license and proof of insurance; and made minor changes in style. Amendment effective July 1, 1999.

*1993 Amendment:* Chapter 31 inserted (2) requiring a license or permit of a person wishing to perform electrical work prior to referral for employment by an employment agency or labor union; and made minor changes in style.

#### **Cross-References**

Installation of new security alarm systems by electrician, 37-60-409.

#### **Administrative Rules**

ARM 24.141.403 Licensee responsibilities.

ARM 24.141.504 Licensure by reciprocity or endorsement.

**37-68-302. Unauthorized use of title.** A person, firm, partnership, corporation, or association may not assume or use the title or designation of licensed master electrician, master electrician, licensed journeyman electrician, journeyman electrician, licensed residential electrician, residential electrician, licensed electrician, or electrician unless qualified and licensed under this chapter.

**History:** En. Sec. 8, Ch. 148, L. 1965; R.C.M. 1947, 66-2808; amd. Sec. 7, Ch. 546, L. 1979; amd. Sec. 6, Ch. 257, L. 2009.

#### **Compiler's Comments**

*2009 Amendment:* Chapter 257 in list of professions inserted "master electrician", "journeyman electrician", "residential electrician", "licensed electrician", and "electrician", and before "residential electrician" inserted "licensed"; and made minor changes in style. Amendment effective October 1, 2009.

#### **Administrative Rules**

ARM 24.141.403 Licensee responsibilities.

**37-68-303. Repealed.** Sec. 4, Ch. 14, L. 2015.

**History:** En. Sec. 17, Ch. 148, L. 1965; amd. Sec. 281, Ch. 350, L. 1974; R.C.M. 1947, 66-2817; amd. Sec. 1451, Ch. 56, L. 2009; amd. Sec. 7, Ch. 257, L. 2009.

**37-68-304. Master electricians — application — qualifications — contents of examination — fees.** (1) An applicant for a master electrician's license shall furnish written evidence of at least one of the following:

(a) being a graduate electrical engineer of an accredited college or university and having a minimum of 2,000 hours of legally obtained practical electrical experience; or

(b) having at least 8,000 hours of legally obtained journeyman level experience in planning, laying out, or supervising the installation and repair of wiring, apparatus, or equipment for electrical light, heat, and power.

(2) An applicant for a license as a master electrician shall file an application on a form furnished by the department, submit appropriate fees, and satisfactorily pass an examination prescribed by the board. The board shall notify each applicant that the evidence submitted with the applicant's application is sufficient to qualify to take the examination or that the evidence is insufficient and is rejected. If the application is rejected, the board shall set forth the reasons in the notice to the applicant.

(3) The examination must consist of at least 80 questions designed to fairly test the applicant's knowledge and the applicant's technical application skills in the following subjects:

(a) the national electric code; and

(b) board rules and applicable laws under Title 37.

(4) The board shall determine by rule the fees to be charged an applicant for each examination or reexamination. The fees must be commensurate with costs.

**History:** En. Sec. 7, Ch. 148, L. 1965; amd. Sec. 275, Ch. 350, L. 1974; R.C.M. 1947, 66-2807(1); amd. Sec. 2, Ch. 245, L. 1987; amd. Sec. 15, Ch. 196, L. 2003; amd. Sec. 111, Ch. 467, L. 2005; amd. Sec. 8, Ch. 257, L. 2009.

#### **Compiler's Comments**

*2009 Amendment:* Chapter 257 in (1) in introductory clause inserted "at least one of the following"; in (1)(a) substituted minimum of 2,000 hours of experience for 1 year of experience, and after "experience" deleted "or that the applicant is a graduate of an electrical trade school and has at least 4 years of legally obtained practical experience in electrical work"; in (1)(b) substituted "8,000 hours of legally obtained journeyman level experience" for "5 years of legally obtained practical experience"; in (2) in second sentence after "shall" deleted "not less than 30 days prior to a scheduled examination", and deleted former fourth sentence that read: "The place of examinations must be designated by the board, and examinations must be held at least once a year and at other times as, in the opinion of the board, the number of applicants warrants"; in (3) in introductory clause increased number of questions from 30 to 80 and after "application" inserted "skills"; inserted (3)(b) relating to board rules and laws under Title 37; deleted former (3)(b) through (3)(f) that read: "(b) cost estimating for electrical installments;

(c) procurement and handling of materials needed for electrical installations and repair;

(d) reading blueprints for electrical work;

(e) drafting and layout of electrical circuits; and

(f) knowledge of practical electrical theory"; and made minor changes in style. Amendment effective October 1, 2009.

*2005 Amendment:* Chapter 467 in (1) in three places before "practical" inserted "legally obtained"; in (2) after "application on" substituted "a form" for "forms prescribed by the board and" and after "department" inserted "submit appropriate fees, and satisfactorily pass an examination prescribed by the board"; and made minor changes in style. Amendment effective July 1, 2005.

*2003 Amendment:* Chapter 196 in (2) at end of first sentence deleted "together with the examination fee", in second sentence in two places before "examination" deleted "written", and at end of third sentence deleted "and shall authorize the department to return the applicant's examination fee"; in (3) at beginning before "examination" deleted "written"; inserted (4) concerning adoption of rules establishing fees; and made minor changes in style. Amendment effective October 1, 2003.

*1987 Amendment:* In (1), near end, substituted "planning, laying out, or supervising the installation and repair of wiring" for "planning, laying out, supervising, or installing wiring".

#### **Administrative Rules**

ARM 24.141.405 Fee schedule.



**37-68-305. Journeyman and residential electricians — application — qualifications — contents of examination.** (1) An applicant for a journeyman electrician's license shall furnish written evidence of at least one of the following:

- (a) completion of an approved apprenticeship program in the electrical trade;
- (b) completion of an appropriate training program conducted by a bona fide union or trade association;
- (c) 8,000 hours of legally obtained practical experience in the wiring for, installing, and repairing of electrical apparatus and equipment for light, heat, and power; or
- (d) work in the electrical maintenance field for at least 20,000 hours, accompanied by written certification by the applicant's employer that the employer considers the applicant qualified to take the examination for which the applicant is applying and that the applicant has attained at least 20,000 hours in the electrical maintenance field while working for the employer. A minimum of 8,000 of these hours must be practical experience.

(2) Applications for license and notice to the applicant must be made and given in the same manner as for master electricians' licenses. The examination for a journeyman's license must consist of at least 60 questions designed to fairly test the applicant's knowledge and the applicant's technical application skills in the following subjects:

- (a) the national electric code; and
- (b) board rules and applicable laws under Title 37.

(3) An applicant for a residential electrician's license shall furnish written evidence of at least one of the following:

- (a) completion of an approved residential electrician apprenticeship program;
- (b) 4,000 hours of legally obtained practical experience in the wiring for, installing, and repairing of electrical apparatus and equipment for light, heat, and power in residential construction consisting of less than five living units in a single structure;
- (c) completion of an appropriate training program conducted by a bona fide union or trade association; or
- (d) work in the electrical maintenance field for at least 20,000 hours, accompanied by written certification by the applicant's employer that the employer considers the applicant qualified to take the examination for which the applicant is applying and that the applicant has attained at least 20,000 hours in the electrical maintenance field while working for the employer. A minimum of 8,000 of these hours must be practical experience.

(4) Application for license and notice to the applicant must be made and given in the same manner as for master electricians' licenses. The examination for a residential electrician's license must consist of at least 50 questions designed to fairly test the applicant's knowledge and the applicant's technical application skills in the following subjects:

- (a) the national electric code; and
- (b) board rules and applicable laws under Title 37.

(5) (a) For the purposes of this section "electrical maintenance" means the ordinary and customary installations in a plant or onsite in addition to modifications, additions, or repairs that are limited to replacing ballasts, relamping, trouble-shooting motor controls, and replacing motors, breakers, or magnetic starters in a kind-for-kind manner. The term includes the connection of specific items of specialized equipment that can be directly connected to an existing branch circuit panel by means of factory-installed leads.

(b) The term does not include installation of a new circuit to operate the equipment described in subsection (5)(a) or installation that requires the size of supply conductors to be increased.

**History:** En. Sec. 7, Ch. 148, L. 1965; amd. Sec. 275, Ch. 350, L. 1974; R.C.M. 1947, 66-2807(2); amd. Sec. 8, Ch. 546, L. 1979; amd. Sec. 16, Ch. 196, L. 2003; amd. Sec. 112, Ch. 467, L. 2005; amd. Sec. 9, Ch. 257, L. 2009.

#### **Compiler's Comments**

*2009 Amendment:* Chapter 257 in (1) in introductory clause inserted "one of the following"; in (1)(a) substituted "completion of an approved apprenticeship program in the electrical trade" for "4 years of apprenticeship in the electrical trade"; inserted (1)(b) relating to training program conducted by bona fide union or trade association; in (1)(c) substituted 8,000 hours of experience for 4 years of experience;

inserted (1)(d) relating to work in electrical maintenance field of 20,000 hours of which 8,000 hours are practical experience; in (2) in second sentence increased number of questions from 30 to 60 and near end after "application" inserted "skills"; deleted former (2)(a) that read: "(a) the Ohm's law"; inserted (2)(b) related to board rules and laws under Title 37; deleted former (2)(c) that read: "(c) layout and practical installation of electrical circuits"; in (3) in introductory clause inserted "at least one of the following"; in (3)(a) substituted "completion of an approved residential electrician apprenticeship program" for "at least 2 years of apprenticeship in the electrical trade"; in (3)(b) substituted 4,000 hours of experience for 2 years of experience; inserted (3)(c) related to training program conducted by bona fide union or trade association; inserted (3)(d) relating to work in electrical maintenance field of 20,000 hours of which 8,000 hours are practical experience; in (4) in second sentence increased number of questions from 30 to 50 and after "application" inserted "skills"; deleted former (4)(a) that read: "(a) the Ohm's law"; inserted (4)(b) related to board rules and laws under Title 37; deleted former (4)(c) that read: "(c) layout and practical installation of electrical circuits"; inserted definition of electrical maintenance; and made minor changes in style. Amendment effective October 1, 2009.

*2005 Amendment:* Chapter 467 in (1) and in (2) near middle of first sentence before "practical" inserted "legally obtained"; and made minor changes in style. Amendment effective July 1, 2005.

*2003 Amendment:* Chapter 196 in (1) at beginning of third sentence and in (2) at beginning of third sentence before "examination" deleted "written"; at end of (2)(c) deleted "in residential construction consisting of less than five living units in a single structure"; and made minor changes in style. Amendment effective October 1, 2003.

#### **Administrative Rules**

ARM 24.141.405 Fee schedule.

ARM 24.141.501 Electrician applications.

#### **37-68-306. Repealed.** Sec. 128, Ch. 429, L. 1995.

History: En. Sec. 10, Ch. 148, L. 1965; amd. Sec. 277, Ch. 350, L. 1974; R.C.M. 1947, 66-2810; amd. Sec. 9, Ch. 546, L. 1979.

#### **37-68-307. Repealed.** Sec. 13, Ch. 257, L. 2009.

History: En. Sec. 7, Ch. 148, L. 1965; amd. Sec. 275, Ch. 350, L. 1974; R.C.M. 1947, 66-2807(3); amd. Sec. 10, Ch. 546, L. 1979; amd. Sec. 2, Ch. 31, L. 1993; amd. Sec. 49, Ch. 492, L. 1997; amd. Sec. 17, Ch. 196, L. 2003; amd. Sec. 113, Ch. 467, L. 2005.

**37-68-308. Licensure without examination of persons licensed locally.** The board may authorize the department to issue a license as a master electrician, journeyman electrician, or residential electrician to an applicant without written examination on satisfactory proof that the applicant has the qualifications to apply for a license under this chapter and is the holder of a valid license issued by a city or other political subdivision of this state which provides for the examination and licensing of electricians.

History: En. Sec. 11, Ch. 148, L. 1965; amd. Sec. 278, Ch. 350, L. 1974; R.C.M. 1947, 66-2811; amd. Sec. 11, Ch. 546, L. 1979.

#### **37-68-309. Repealed.** Sec. 128, Ch. 429, L. 1995.

History: En. Sec. 9, Ch. 148, L. 1965; amd. Sec. 276, Ch. 350, L. 1974; R.C.M. 1947, 66-2809.

#### **37-68-310. Repealed.** Sec. 1, Ch. 14, L. 2019.

History: En. Sec. 7, Ch. 148, L. 1965; amd. Sec. 275, Ch. 350, L. 1974; R.C.M. 1947, 66-2807(4); amd. Sec. 12, Ch. 546, L. 1979; amd. Sec. 68, Ch. 345, L. 1981; amd. Sec. 3, Ch. 31, L. 1993; amd. Sec. 1, Ch. 113, L. 1995; amd. Sec. 124, Ch. 429, L. 1995; amd. Sec. 50, Ch. 492, L. 1997; amd. Sec. 57, Ch. 271, L. 2003; amd. Sec. 114, Ch. 467, L. 2005.

**37-68-311. Application fee — license fee.** (1) Master electricians and journeyman or residential electricians installing or intending to install for hire electric wiring or equipment to convey electric current or apparatus to be operated by electric current shall apply for a license to the department. The application must be on a form furnished by the department and must be accompanied by an application fee set by the board. The forms must state the applicant's full name and address, the extent of work experience, and other information required by the board. If the applicant has complied with the rules adopted by the board and, being qualified, has successfully completed the examination, the department shall issue the proper license to the applicant.

(2) In addition to the temporary permits authorized in 37-1-305, the board may, in accordance with criteria determined by the board, issue a second temporary practice permit for a person who fails the first license examination and who submits a temporary practice permit fee with a request for a second temporary practice permit to the board stating that the person intends to retake the license examination within 3 months of failing the first examination.

**History:** En. Sec. 15, Ch. 148, L. 1965; amd. Sec. 280, Ch. 350, L. 1974; R.C.M. 1947, 66-2815; amd. Sec. 13, Ch. 546, L. 1979; amd. Sec. 4, Ch. 31, L. 1993; amd. Sec. 2, Ch. 203, L. 1999; amd. Sec. 18, Ch. 196, L. 2003; amd. Sec. 10, Ch. 257, L. 2009; amd. Sec. 2, Ch. 14, L. 2015.

#### **Compiler's Comments**

*2015 Amendment:* Chapter 14 deleted former (2) that read: "(2) A person serving in an approved journeyman apprenticeship program or a residential apprenticeship program under the supervision of a licensed electrician is exempt from the licensing provision of this section during training"; and made minor changes in style. Amendment effective July 1, 2015.

*2009 Amendment:* Chapter 257 in (2) substituted "serving in an approved journeyman apprenticeship program or a residential apprenticeship program" for "serving a 4-year electrician apprenticeship" and deleted former second sentence that read: "Credit for the time spent in an electrical school must be given to the master electrician, journeyman electrician, residential electrician, or apprentice, up to a total of 2 years, on the 4-year requirement"; in (3) near beginning after "may" deleted "on a case-by-case basis at the board's discretion and", after "board" substituted "issue a second temporary practice permit" for "renew a temporary practice permit", after "examination" deleted "for which the person is eligible but", after "permit" substituted "fee with a request for a second temporary practice permit" for "renewal application", and at end after "examination" substituted "within 3 months of failing the first examination" for "on the next available date"; and made minor changes in style. Amendment effective October 1, 2009.

*2003 Amendment:* Chapter 196 in (1) in second sentence near middle substituted "application fee" for "examination fee" and near end of fourth sentence after "examination" deleted "the applicant shall pay to the department a license fee set by the board for a master electrician's license or for a journeyman or a residential electrician's license, and upon receipt of the fee"; and made minor changes in style. Amendment effective October 1, 2003.

*1999 Amendment:* Chapter 203 inserted (3) regarding renewal of temporary practice permit. Amendment effective October 1, 1999.

*1993 Amendment:* Chapter 31 in (1), at beginning of first sentence after "Master electricians", deleted "who are not electrical contractors" and in fourth sentence deleted reference to annual license fee; and made minor changes in style.

*Statement of Intent:* The statement of intent attached to SB 390 (Ch. 546, L. 1979) provided in part: "Sections 13 and 14 give the board authority to prescribe various fees. This must be done by rule. It is intended that each fee not exceed the amount necessary to meet the cost of administering the program to which it relates."

#### **Administrative Rules**

ARM 24.141.405 Fee schedule.

ARM 24.141.509 Nonroutine applications.

**37-68-312. Electrical contractor's license — application — fees.** Each electrical contractor shall, on or before the date set by department rule, file with the department an application together with the appropriate fees for each firm operated by the electrical contractor in this state.

**History:** En. Sec. 14, Ch. 148, L. 1965; amd. Sec. 279, Ch. 350, L. 1974; R.C.M. 1947, 66-2814; amd. Sec. 14, Ch. 546, L. 1979; amd. Sec. 5, Ch. 31, L. 1993; amd. Sec. 125, Ch. 429, L. 1995; amd. Sec. 115, Ch. 467, L. 2005.

### Compiler's Comments

*2005 Amendment:* Chapter 467 after "application" substituted "together with the appropriate fees" for "in writing" and at end after "state" deleted "for renewal of the license. A license may not be issued or renewed until the applicant meets the licensure requirements and has paid to the department a license fee set by the board for each firm operated by the electrical contractor. Licenses must bear the date of issuance or renewal. A license must be renewed for a 3-year period upon payment to the department of the license fee on or before the renewal date and upon meeting the requirements set by board rule." Amendment effective July 1, 2005.

*1995 Amendment:* Chapter 429 in first sentence, after "shall", substituted "on or before the date set by department rule" for "before July 1 of the year in which the prior license expired" and after "state" substituted "for renewal of the license" for "to obtain a license"; in second sentence, after "issued", inserted "or renewed" and before "requirements" inserted "licensure"; in third sentence, after "date", substituted "of issuance or renewal" for "of issue"; deleted former fourth sentence that read: "Each original license expires on the July 1 that is subsequent to the date of issuance, as determined by the board"; and at beginning of fourth sentence substituted "A license must be" for "An electrical contractor licensed under this chapter is entitled to have a license" and after "fee" substituted "on or before the renewal date and upon meeting the requirement set by board rule" for "before the date of expiration of the license and by meeting the requirements set by the board".

*Severability:* Section 131, Ch. 429, L. 1995, was a severability clause.

*Saving Clause:* Section 132, Ch. 429, L. 1995, was a saving clause.

*Applicability:* Section 133, Ch. 429, L. 1995, provided: "[This act] applies to licenses applied for, complaints submitted, and proceedings begun after [the effective date of this section]." Effective October 1, 1995.

*1993 Amendment:* Chapter 31 in first sentence substituted "the year in which the prior license expired" for "each year", at beginning of fourth sentence inserted reference to each original license and after "July 1" substituted "that is subsequent to the date of issuance, as determined by the board" for "following the date of issue", and in fifth sentence, near middle, substituted "3-year period" for "year" and at end, after "license", inserted "and by meeting the requirements set by the board"; and made minor changes in style.

*Statement of Intent:* The statement of intent attached to SB 390 (Ch. 546, L. 1979) provided in part: "Sections 13 and 14 give the board authority to prescribe various fees. This must be done by rule. It is intended that each fee not exceed the amount necessary to meet the cost of administering the program to which it relates."

### Administrative Rules

ARM 24.141.405 Fee schedule.

ARM 24.141.505 Electrical contractor licensing.

Title 24, chapter 141, subchapter 21, ARM Renewals and continuing education.

**37-68-313. Reasonable fees — deposit of fees and fines collected.** (1) All fees established by the board under this chapter must be reasonably related to the respective program costs. Fees collected by the department under this chapter must be deposited in the state special revenue fund for the use of the board.

(2) Fines collected under this chapter must be deposited in the state general fund.

**History:** En. Sec. 19, Ch. 148, L. 1965; amd. Sec. 282, Ch. 350, L. 1974; R.C.M. 1947, 66-2819; amd. Sec. 15, Ch. 546, L. 1979; amd. Sec. 1, Ch. 277, L. 1983; amd. Sec. 3, Ch. 402, L. 1999.

### Compiler's Comments

*1999 Amendment:* Chapter 402 inserted (2) regarding deposit of fines; and made minor changes in style. Amendment effective July 1, 1999.

*1983 Amendment:* Substituted reference to state special revenue fund for reference to earmarked revenue fund.

### Administrative Rules

ARM 24.141.405 Fee schedule.

**37-68-314. Repealed.** Sec. 13, Ch. 257, L. 2009.  
History: En. Sec. 1, Ch. 332, L. 1981; amd. Sec. 3, Ch. 245, L. 1987.

**37-68-315. Presentation of license.** (1) An employee of a private or public employment agency or labor union, a building code compliance inspector, an employee of the department, a person who is professionally responsible for a job site, or an electrician licensed under this chapter has the right to ask a person who is working at a jobsite doing work that requires an electrician's license to present the person's license. If the person performing the work is unable to furnish the person's license, the requesting person may report that fact to the board or the department.

(2) An employee of the department may issue a citation to and collect a fine, as provided in 37-68-316, from a person at a jobsite where the person is performing electrical work if the person fails to display an electrician's license at the request of the department employee.

History: En. Sec. 1, Ch. 368, L. 1995; amd. Sec. 4, Ch. 402, L. 1999; amd. Sec. 11, Ch. 257, L. 2009.

#### **Compiler's Comments**

*2009 Amendment:* Chapter 257 in (1) in first sentence at end substituted "present the person's license" for "provide proof of licensure", and in second sentence substituted reference to license for reference to proof of licensure; in (2) after "license" deleted "or proof of licensure", and at end substituted "department employee" for "department inspector"; and made minor changes in style. Amendment effective October 1, 2009.

*1999 Amendment:* Chapter 402 inserted (2) authorizing department to issue citation and collect fine; and made minor changes in style. Amendment effective July 1, 1999.

**37-68-316. Citation and fine for failure to display license.** (1) A citation for failure to display an electrician's license or proof of licensure issued by an employee of the department must include:

(a) the time and date on which the citation is issued;  
(b) the name, address, mailing address, and signature of the person to whom the citation is issued;

(c) reference to the statutory authority to issue the citation;  
(d) the name, title, affiliation, and signature of the person issuing the citation;  
(e) information explaining the procedure for the person to follow in order to pay the fine or to demonstrate proof of licensure; and

(f) the amount of the applicable fine.

(2) The applicable civil fines for failing to display a license or proof of licensure are as follows:

(a) \$100 for the first offense, unless the provisions of subsection (4)(b) apply;

(b) \$250 for the second offense; and

(c) \$500 for the third and any subsequent offense.

(3) Each day of violation constitutes a separate offense. The person issuing the citation is responsible for determining, by means of an up-to-date list or through telephone or other communication with the board office, whether the citation being issued is for a first, second, or subsequent offense.

(4) (a) The person who issues the citation is authorized to collect the fine, but the person who is issued a citation may pay the fine to the appropriate authority identified on the citation within 5 business days of the date of issuance.

(b) The board may not impose a fine for a first offense on a licensee who produces proof of licensure to the department within 5 days of the citation. In other cases, the board may, upon finding that the person has demonstrated acceptable proof of licensure, waive or refund the fine.

(5) A person who refuses to sign and accept a citation commits a misdemeanor, punishable in the same manner as provided in 37-1-318.

History: En. Sec. 9, Ch. 402, L. 1999; amd. Sec. 2, Ch. 90, L. 2015.

#### **Compiler's Comments**

*2015 Amendment:* Chapter 90 in (2)(a) after "offense" inserted "unless the provisions of subsection (4)(b) apply"; in (4)(b) inserted first sentence prohibiting fining a licensee who produces proof of licensure; and made minor changes in style. Amendment effective July 1, 2015.

*Effective Date:* Section 11, Ch. 402, L. 1999, provided that this section is effective July 1, 1999.

**37-68-317 through 37-68-320 reserved.**

**37-68-321. Repealed.** Sec. 128, Ch. 429, L. 1995.

History: En. Sec. 5, Ch. 148, L. 1965; amd. Sec. 272, Ch. 350, L. 1974; amd. Sec. 11, Ch. 453, L. 1977; R.C.M. 1947, 66-2805(2)(d); amd. Sec. 16, Ch. 546, L. 1979.

**37-68-322. Penalty.** (1) (a) A person who knowingly violates any provision of this chapter may upon conviction of a violation be punished by a fine of not more than \$750, by imprisonment for a term not to exceed 6 months, by revocation of the license, or by any combination of the fine, imprisonment, and revocation.

(b) If a corporation or other business entity violates any provision of this chapter, it may be punished by a fine of not more than \$1,000.

(2) Any officer or agent of a corporation or other business entity or member or agent of a partnership or association who knowingly and personally participates in or is an accessory to any violation of this chapter by the corporation, other business entity, partnership, or association is subject to the penalties prescribed in subsection (1)(a).

(3) A violation of this chapter is a continuing violation, and the statute of limitations is tolled until the violation ceases. The county attorney shall, upon request of the board, prosecute any violation of the licensing requirements of this chapter.

History: En. Sec. 20, Ch. 148, L. 1965; R.C.M. 1947, 66-2820; amd. Sec. 6, Ch. 31, L. 1993; amd. Sec. 12, Ch. 257, L. 2009.

#### **Compiler's Comments**

*2009 Amendment:* Chapter 257 in (1)(a) after "person" substituted "who knowingly violates" for "or corporation violating", substituted "may" for "shall", after "violation" deleted "(a) if a person", increased fine from \$500 to \$750, and after "revocation" deleted "in the discretion of the court"; in (1)(b) after "corporation" inserted "or other business entity violates any provision of this chapter, it may"; in (2) near beginning after "corporation" inserted "or other business entity", inserted "knowingly", after "this chapter" substituted "by the corporation, other business entity, partnership, or association" for "by the partnership, association, or corporation", and at end substituted "prescribed in subsection (1)(a)" for "prescribed for individuals"; and made minor changes in style. Amendment effective October 1, 2009.

*1993 Amendment:* Chapter 31 inserted (3) regarding violation of a licensing requirement as a continuing violation; and made minor changes in style.

#### **Cross-References**

Criminal responsibility and accountability of corporations, 45-2-311, 45-2-312.