

Montana State Electrical Board

If you have scope of practice questions or comments for the State Electrical Board:

Kelly Welsh, Executive Officer
(406) 841-2258
DLIBSDELE@MT.GOV



Montana State Electrical Board

Statute/Rules as of June 07, 2024



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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 violates this section is also subject to the provisions of 37-1-109.

History: En. Sec. 9, Ch. 402, L. 1999; amd. Sec. 2, Ch. 90, L. 2015; amd. Sec. 5, Ch. 366, L. 2023.

(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.

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.

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.

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.

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Administrative Rules of Montana

Subchapter 1 Organizational Rules

24.141.101 BOARD ORGANIZATION

(1) The state electrical board hereby adopts and incorporates the organizational rules of the Department of Labor and Industry as listed in chapter 1 of this title. (History: 37-68-201, MCA; IMP, 2-4-201, MCA; Eff. 12/31/72; AMD, Eff. 1/3/75; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; TRANS, from Commerce, 2002 MAR p. 1755.; AMD, 2022 MAR p. 1837, Eff. 9/24/22)

Subchapter 2 Procedural Rules

24.141.201 PROCEDURAL RULES

(1) The state electrical board hereby adopts and incorporates the procedural rules of the department of labor and industry as listed in chapter 2 of this title (History: 37-68-201, MCA; IMP, 2-4-201, MCA; Eff. 12/31/72; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; TRANS, from Commerce, 2002 MAR p. 1755.; AMD, 2022 MAR p. 1837, Eff. 9/24/22)

24.141.202 PUBLIC PARTICIPATION

(1) The state electrical board hereby adopts and incorporates by this reference the public participation rules of the Department of Labor and Industry as listed in chapter 2 of this title. (History: 37-68-201, MCA; IMP, 2-3-103, MCA; NEW, 1978 MAR p. 1184; Eff. 8/11/78; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; TRANS, from Commerce, 2002 MAR p. 1755., AMD, 2022 MAR p. 1837, Eff. 9/24/22.)

Subchapter 3 Definitions

24.141.301 DEFINITIONS

- (1) "Journeyman level experience" is defined in 37-68-102, MCA. While serving an apprenticeship, hours of experience are not considered journeyman level experience.
- (2) "Legally obtained" means obtained in accordance with the laws and rules of the jurisdiction in which an applicant obtained the experience and within the statutes and rules of the Montana State Electrical Board.
- (3) "Limited electrical contractor" means a Montana-licensed electrical contractor limited to residential construction consisting of less than five living units in a single structure.

(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, troubleshooting 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.

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.

37-68-307. 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.

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.

- (4) "Montana State Electrical Code" means those sections and amendments of the National Electrical Code adopted by the Department of Labor and Industry's Building Standards Program.
- (5) "National Electric Code" (NEC) means the code promulgated by the National Fire Protection Association, as amended and revised, adopted by the Department of Labor and Industry's Building Standards Program, and enforced by the board to set standards for electrical practice.
- (6) "Responsible electrician" means the Montana-licensed electrician engaged in a full-time capacity, who is responsible for all licensed electrical work performed by the electrical contractor.
- (7) "Unlimited electrical contractor" means a Montana-licensed electrical contractor that is licensed to perform electrical work on commercial, residential, industrial, and institutional electrical installations as covered by the national electrical code. (History: 37-1-131, 37-68-201, MCA; IMP, 37-68-102,37-68-201, 37-68-304, 37-68-305, 37-68-312, MCA; NEW, 2001 MAR p. 2418, Eff. 12/7/01; TRANS, from Commerce, 2002 MAR p. 1755; AMD, 2009 MAR p. 1665, Eff. 9/25/09; AMD, 2010 MAR p. 1081, Eff. 4/30/10.; AMD, p. 1194, Eff. 5/25/24.)

Subchapter 4 General Provisions

24.141.401 BOARD MEETINGS (REPEALED) (History: 37-68-201, MCA; IMP, 37-68-201, MCA; Eff. 12/31/72; AMD, Eff. 12/5/74; AMD, Eff. 12/4/76; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1996 MAR p. 3039, Eff. 11/22/96; TRANS, from Commerce, 2002 MAR p. 1755; AMD, 2005 MAR p. 2458, Eff. 12/9/05; REP, 2018 MAR p. 306, Eff. 2/10/18.)

24.141.402 APPRENTICE REGISTRATION (REPEALED) (History: 37-68-201, MCA; IMP, 37-68-303, MCA; NEW, Eff. 12/4/76; AMD, 1979 MAR p. 268, Eff. 3/16/79; AMD, 1980 MAR p. 2590, Eff. 9/12/80; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1997 MAR p. 34, Eff. 11/22/96; AMD, 2001 MAR p. 2418, Eff. 12/7/01; TRANS, from Commerce, 2002 MAR p. 1755; AMD, 2005 MAR p. 2458, Eff. 12/9/05; AMD, 2009 MAR p. 1665, Eff. 9/25/09; REP, 2018 MAR p. 306, Eff. 2/10/18.)

24.141.403 LICENSEE RESPONSIBILITIES (REPEALED) (History: 37-1-131, 37-683-201, MCA; IMP. 37-68-308, 37-1-316, 37-1-317, 37-68-301, 37-68-315, MCA; NEW, 2001 MAR p. 2418, Eff. 12/7/01; TRANS, from Commerce, 2002 MAR p. 1755; AMD, 2005 MAR p. 1397, Eff. 7/29/05; REP, 2024 MAR, p. 1194, Eff. 5/25/24.)

24.141.404 PIONEER ELECTRICIAN CERTIFICATE

- (1) The purpose of a pioneer electrician certificate is to show appreciation for past services and support to the electrical industry.
 - (2) A pioneer electrician certificate is not a license and does not permit the holder of said certificate to act as a licensed electrical contractor, master, journeyman or residential electrician.
 - (3) Pioneer electrician certificates will be issued at the discretion of the State Electrical Board.
- (History: 37-1-131, 37-68-201, MCA; IMP, 37-68-201, MCA; NEW, 1994 MAR p. 951, Eff. 4/15/94; TRANS, from Commerce, 2002 MAR p. 1755.)

24.141.405 FEE SCHEDULE

- (1) Examination fees are set by the testing agency and vary by examination. Contact the board office for a current schedule of test section fees. Fees are to be paid directly to the testing agency upon the board's approval of an application.
 - (a) Examination review fee \$100
 - (b) Examination administered by the board 200
 - (2) Application fee for a license by examination (includes original license fee) 190
 - (3) Contractor - original license fee 210
 - (4) Renewal fee (two years)
 - (a) Contractor 210
 - (b) Master 140
 - (c) Journeyman 140
 - (d) Residential 140
 - (5) Application by endorsement or reciprocity (includes original license fee) 190
 - (6) CE Provider application fee 25
 - (7) CE Provider course fee 10
 - (8) Temporary permit 50
 - (9) Fees are nonrefundable.
 - (10) Additional standardized fees are specified in ARM 24.101.403
- (History: 37-1-134, 37-68-201, MCA; IMP, 37-1-134, 37-1-141, 37-1-304, 37-1-305, 37-68-304, 37-68-310, 37-68-311, 37-68-312, 37-68-313, MCA; NEW, 1982 MAR p. 684, Eff. 4/16/82; AMD, 1982 MAR p. 2091, Eff. 11/25/82; AMD, 1985 MAR p. 1239, Eff. 8/30/85; AMD, 1988 MAR p. 567, Eff. 3/25/88; AMD, 1994 MAR p. 951, Eff. 4/15/94; AMD, 1996 MAR p. 3039, Eff. 11/22/96; AMD, 1999 MAR p. 1200, Eff. 6/4/99; AMD, 2001 MAR p. 2418, Eff. 12/7/01; TRANS, from Commerce, 2002 MAR p. 1755; AMD, 2005 MAR p. 325, Eff. 2/25/05; AMD, 2005 MAR p. 2458, Eff. 12/9/05; AMD, 2006 MAR p. 1278, Eff. 5/19/06; AMD, 2006 MAR p. 1583, Eff. 7/1/06; AMD, 2009 MAR p. 1665, Eff. 9/25/09; AMD, 2010 MAR p. 1081, Eff. 4/30/10; AMD, 2011 MAR p. 2398, Eff. 11/11/11; AMD, 2013 MAR p. 1524, Eff. 8/23/13; AMD, 2024 MAR p. 1194, Eff. 5/25/24.)

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.

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.

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.

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.

Part 2: State Electrical Board

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.

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.

Part 3: Licensing

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

Rules 24.141.406 and 24.141.407 reserved

24.141.408 FEE ABATEMENT (1) The State Electrical Board adopts and incorporates by reference the fee abatement rule of the Department of Labor and Industry found at ARM 24.101.301. (History: 37-1-131, MCA; IMP, 17-2-302, 17-2-303, 37-1-134, MCA; NEW, 2006 MAR p. 1278, Eff. 5/19/06.)

Subchapter 5 Licensing

24.141.501 MASTER, JOURNEYMAN AND RESIDENTIAL ELECTRICIAN APPLICATIONS (Repealed) (History: 37-1-131, 37-68-201, MCA; IMP, 37-1-131, 37-68-302, 37-68-304, 37-68-305, MCA; Eff. 12/31/72; AMD, 1980 MAR p. 2830, Eff. 10/17/80; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1982 MAR p. 101, Eff. 1/29/82; AMD, 1988 MAR p. 567, Eff. 3/25/88; AMD, 1994 MAR p. 951, Eff. 4/15/94; AMD, 1996 MAR p. 3039, Eff. 11/22/96; AMD, 1998 MAR p. 455, Eff. 2/13/98; AMD, 2001 MAR p. 2418, Eff. 12/7/01; TRANS, from Commerce, 2002 MAR p. 1755; AMD, 2009 MAR p. 1665, Eff. 9/25/09; REP., 2024 MAR p. 1194, Eff. 5/25/24.)

24.141.502 TEMPORARY PRACTICE PERMIT

- (1) An active temporary practice permit allows an applicant to perform work while employed by a licensed electrical contractor.
- (2) A temporary practice permit issued to an applicant for an electrician license shall expire 90 days from the date of issuance or upon receipt of licensure examination results. If an applicant's temporary practice permit expires before the date of the applicant's scheduled examination, the department may, on a case-by-case basis, extend an applicant's temporary practice permit.
- (3) A temporary practice permit does not allow an individual to act as a responsible electrician for a licensed electrical contractor.
- (4) A second temporary practice permit may be issued to a person who fails the first license examination as provided in 37-68-311, MCA. Applicants who fail a residential or journeyman-level exam with a score of 64 percent or less are not eligible for a second temporary practice permit. Applicants who fail a master-level examination with a score of 69 percent or less are not eligible for a second temporary practice permit
(History: 37-1-319, 37-68-201, MCA; IMP, 37-1-305, MCA; Eff. 12/31/72; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1994 MAR p. 951, Eff. 4/15/94; AMD, 1996 MAR p. 3039, Eff. 11/22/96; AMD, 2001 MAR p. 2418, Eff. 12/7/01; TRANS, from Commerce, 2002 MAR p. 1755; AMD, 2005 MAR p. 2458, Eff. 12/9/05; AMD, 2009 MAR p. 1665, Eff. 9/25/09.; AMD., 2024 MAR p. 1194, Eff. 5/25/24)

24.141.503 EXAMINATIONS

- (1) An applicant shall have one year from the date of board approval to take and pass the examination for which the application was approved. If the examination is not taken and passed within that one-year period, the applicant must submit a new application and pay the applicable fees.
- (2) The examination for residential, journeyman's, or master's license may be administered and graded by a third party. The examination pass. The examination passing grade for residential and journeyman-level examinations is 70 percent. The examination passing grade for master-level examinations is 75 percent.
- (3) An applicant who fails any examination for which the application was made, may, upon the payment of the appropriate fee, take the next scheduled examination. However, if the applicant fails the exam a second time, the applicant must provide proof of having attended at least one eight-hour electrical code seminar approved by the board, since the initial failure to pass.
- (4) An applicant who fails the master or journeyman examination two or more times may apply for and take a lower-level licensing examination.
- (5) All examinations are open book. Allowed materials may have the applicant's highlights, underlining, and notes. Applicants may only use the following allowed materials during the exam:
 - (a) an NEC code book applicable to the examination being given (tabs or indexes may be used in the book);
 - (b) a silent, nonprinting, nonprogrammable calculator that is not designed for preprogrammed electrical calculations (e.g. "Electrical Estimate Pal" is not allowed);
 - (c) copies of the Montana statutes and rules relating to electricians; and
 - (d) "Printreading" by David L. Hittinger, based on the applicable NEC Code
- (6) An applicant for an examination who, due to a disability, requires reasonable accommodation in examination procedures, must submit a written request to the board office for the specific accommodation needed, at least 15 days prior to the scheduled exam.
- (7) Any applicant who takes an examination, whether the applicant passes or fails the examination, may contact the department to request their specific test score.
- (8) Any applicant who takes an examination and does not pass the examination may contact the department to request a review of the examination.
 - (a) The board will not modify examination results unless the applicant presents clear and convincing evidence of error in the grading of the examination.
 - (b) The board will not consider any challenge to examination grading unless the total of the potentially revised score would result in a passing score.

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.

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.

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.

(9) A request for rescoring of an application must be made in writing to the board office and received within 20 days of the date of the examination and must request a rescore of the examination.

(a) The candidate will be allowed two hours to review the examination and must identify the challenged examination questions and state specifically why the results should be modified, pursuant to the NEC and/or Montana statutes and rules supporting the applicant's position.

(b) The board will review the examination and the applicant's justification at the next regularly scheduled board meeting and notify the applicant in writing of the board's decision.

(10) Any applicant determined by the board to be cheating on an examination or using inappropriate material/equipment during an examination will fail and be required to wait at least one year before reapplying for licensure and before being allowed to reexamine. All such reexaminations will be scheduled and administered by the board in Helena, Montana.

(History: 37-1-131, 37-68-201, MCA; IMP, 37-1-131, 37-68-304, 37-68-305, MCA; NEW, 1988 MAR p. 567, Eff. 3/25/88; AMD, 1994 MAR p. 951, Eff. 4/15/94; AMD, 1996 MAR p. 3039, Eff. 11/22/96; AMD, 2001 MAR p. 2418, Eff. 12/7/01; TRANS, from Commerce, 2002 MAR p. 1755; AMD, 2005 MAR p. 2458, Eff. 12/9/05; AMD, 2009 MAR p. 1665, Eff. 9/25/09.; AMD, 2024 MAR p. 1194, Eff. 5/25/24)

24.141.504 LICENSURE BY RECIPROCITY OR ENDORSEMENT

(1) The board may, on a case-by-case basis, enter into a reciprocity agreement with another state or jurisdiction whose requirements are substantially equivalent or greater than the standards of this state for purposes of issuing a residential or journeyman electrician license.

(2) The board may issue a license by endorsement to an applicant provided that the applicant:

(a) files a completed application with the required fees;

(b) holds a current, valid license in good standing to practice in the category applied for in another state or jurisdiction;

(3) A license that was issued by a city, county, or other similar municipality will not be considered for licensure by reciprocity or endorsement.

(History: 37-1-131, 37-68-201, MCA; IMP, 37-1-304, MCA; NEW, 2001 MAR p. 2418, Eff. 12/7/01; TRANS, from Commerce, 2002 MAR p. 1755; AMD, 2009 MAR p. 1665, Eff. 9/25/09.; AMD, 2024 MAR p. 1194, Eff. 5/25/24.)

24.141.505 ELECTRICAL CONTRACTOR LICENSING

- (1) An applicant for an original license or renewal of an electrical contractor license shall submit a completed application, appropriate fees, and certification of the following:
 - (a) the Worker's Compensation Act, worker's compensation coverage as required under 39-71-101, MCA, et seq.; and
 - (b) the Unemployment Insurance Law, unemployment insurance coverage as required under 39-51-101, MCA, et seq..
- (2) The board shall issue a limited electrical contractor license to an applicant who submits the required documentation listed in (1) above and designates as the responsible electrician, a licensed journeyman, on a form prescribed by the board.
- (3) The board shall issue an unlimited electrical contractor license to an applicant who submits the required documentation listed in (1) above and designates as the responsible electrician, a licensed master, on a form prescribed by the board.
- (4) An owner of an unlimited electrical contracting business not licensed as a master electrician, must employ a master electrician on a full-time basis. No holder of a master electrician's license shall be named as the responsible electrician for more than one unlimited electrical contractor.
- (5) An owner of a limited electrical contracting business not licensed as a journeyman electrician shall employ a journeyman electrician on a full-time basis. No holder of a journeyman electrician's license may be named as the responsible electrician for more than one electrical contractor.
- (6) A responsible electrician who leaves the employment of a licensed electrical contractor, for whatever reason, must provide written notification to the board office of that fact, within ten working days. The licensed electrical contractor must provide the board office within ten working days, on a prescribed form, of the change of responsible electrician. Failure to name another responsible electrician within ten working days shall be cause for suspension of the electrical contractor license and cause for revocation.
- (7) A licensed master or journeyman electrician, in the case of residential construction, may be relieved from further responsibility under any application or permit if the electrician has left or been discharged from the employment of an electrical contractor or owner, provided the electrician sends a notice in writing to that effect within ten working days to the State Electrical Board and the state or local building code enforcement entity, whichever is applicable.
(History: 37-1-131, 37-68-201, MCA; IMP, 37-68-312, MCA; NEW, 2001 MAR p. 2418, Eff. 12/7/01; TRANS, from Commerce, 2002 MAR p. 1755; AMD, 2009 MAR p. 1665, Eff. 9/25/09.; AMD, 2024 MAR p. 1194, Eff. 5/25/24.)

24.141.2405 Panel Members

- (1) The board chair shall assign board members to the screening panel and the adjudication panel. The board chair may replace or reassign panel members, but the panels must be divided as follows:
 - (a) The screening panel shall consist of two board members, including one journeyman or master electrician member of the board and one public member of the board.
 - (b) The adjudication panel shall consist of three board members, including one journeyman or master electrician member of the board and one public member of the board.
- (2) The screening panel will not consider anonymous complaints.
(History: 37-1-131, MCA; IMP, 2-15-1764, 37-1-307, MCA; NEW, 2024 MAR p. 1194, Eff. 5/25/24.)

Montana Code Annotated

CHAPTER 68: ELECTRICIANS AND ELECTRICAL SAFETY

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.

(2) A licensee's commission of any act of sexual abuse, sexual misconduct, or sexual exploitation, whether or not it is related to the licensee's practice, is considered unprofessional conduct.

(3) A licensee's failure to respond to board inquiry or furnish information requested by the board, department investigators, or board representatives is considered unprofessional conduct.

(History: 37-1-131, 37-1-136, 37-1-319, 37-1-312, MCA. (History: 37-1-131, 37-1-136, 37-1-319, MCA; IMP, 37-1-307, 37-1-316, 37-1-319, MCA; NEW, 2006 MAR p. 1278, Eff. 5/19/06; AMD, 2009 MAR p. 1665, Eff. 9/25/09; AMD, 2018 MAR p. 306, Eff. 2/10/18.; AMD, 2024 MAR p. 1194, Eff. 5/25/24.)

24.141.2305 Administrative Suspension

(1) The board authorizes the department to:

(a) administratively suspend licenses for deficiencies set forth in [37-1-321](#) (1)(a) through (e), MCA; or

(b) file a complaint pertaining to the deficiencies in (1) that are based on repeated or egregious conduct, or that have co-occurring misconduct allegations that directly implicate public safety and may warrant formal disciplinary action.

(2) An administrative suspension is not a negative, adverse, or disciplinary action under Title 37, MCA, and is not reportable under federal law or the department's licensee lookup and license verification databank.

(History: [37-1-131](#), [37-68-201](#), MCA; IMP, [37-1-321](#), MCA; NEW, 2024 MAR p. 1194, Eff. 5/25/24.)

24.141.2401 SCREENING PANEL (REPEALED) (History: 37-1-131, MCA; IMP, 37-1-307, MCA; NEW, 1996 MAR p. 3039, Eff. 11/22/96; AMD, 1998 MAR p. 455, Eff. 2/13/98; TRANS, from Commerce, 2002 MAR p. 1755; AMD, 2018 MAR p. 306, Eff. 2/10/18.; REP, 2024 MAR p. 1194, Eff. 5/25/24.)

24.141.2402 COMPLAINT PROCEDURE (REPEALED) (History: 37-1-131, 37-68-201, MCA; IMP, 37-1-101, 37-1-131, 37-1-307, 37-1-308, 37-1-309, MCA; NEW, 1996 MAR p. 3039, Eff. 11/22/96; AMD, 2001 MAR p. 2418, Eff. 12/7/01; TRANS, from Commerce, 2002 MAR p. 1755; AMD, 2009 MAR p. 1665, Eff. 9/25/09; REP, 2018 MAR p. 306, Eff. 2/10/18.)

24.141.506 MASTER ELECTRICIAN QUALIFICATIONS (REPEALED) (History: 37-1-131, 37-68-201, MCA; IMP, 37-1-131, 37-68-201, 37-68-301, 37-68-304, MCA; NEW, 2004 MAR p. 1024, Eff. 4/23/04; AMD, 2005 MAR p. 325, Eff. 2/25/05; REP, 2009 MAR p. 1665, Eff. 9/25/09.)

24.141.507 MILITARY TRAINING OR EXPERIENCE (REPEALED) (History: 37-1-145, MCA; IMP, 37-1-145, MCA; NEW, 2014 MAR p. 971, Eff. 5/9/14; AMD, 2018 MAR p. 306, Eff. 2/10/18.; REP, 2024 MAR p. 1194, Eff. 5/25/24.)

Rule 24.141.508 reserved

24.141.509 NONROUTINE APPLICATIONS

(1) Nonroutine applications must be reviewed and approved by the board before a license may be issued. The board incorporates the definitions and procedures for routine and nonroutine applications in ARM 24.101.402 by reference.

(2) The board incorporates the procedures for processing applications from applicants with criminal convictions in ARM 24.101.406 by reference.

(History: 37-1-131, MCA; IMP, 37-1-101, 37-1-131, MCA; NEW, 2011 MAR p. 2398, Eff. 11/11/11; AMD, 2021 MAR p. 556, Eff. 5/15/21.; AMD, 2024 MAR p. 1194, Eff. 5/25/24.)

Rule 24.141.510 reserved

24.141.511 APPLICANTS WITH CRIMINAL CONVICTIONS (REPEALED)

(History: 37-1-131, MCA; IMP, 37-1-101, 37-1-131, MCA; NEW, 2021 MAR p. 556, Eff. 5/15/21.; REP, 2024 MAR p. 1194, Eff. 5/25/24.)

24.141.515 Journeyman and Master Electrician Experience Requirements.

(1) For applicants seeking a journeyman electrician license, a maximum of 50 percent of the practical experience may be residential in nature. The balance must be either commercial, industrial, institutional, or a combination thereof.

(2) For all applicants seeking a master electrician license, the practical and journeyman level experience must be either commercial, residential, industrial, institutional, or a combination thereof. No more than 50 percent of the practical or journeyman level experience may be obtained by residential work.

(History: History: [37-1-131](#), [37-68-201](#), MCA; IMP, [37-1-131](#), [37-68-304](#), [37-68-305](#), MCA; NEW, 2024 MAR p. 1194, Eff. 5/25/24.)

Subchapters 6 through 20 reserved

Subchapter 21 Renewals and Continuing Education

24.141.2101 RENEWALS (REPEALED) (History: 37-1-131, 37-1-141, 37-68-201, MCA; IMP, 37-1-141, 37-68-310, MCA; NEW, 2001 MAR p. 2418, Eff. 12/7/01; TRANS, from Commerce, 2002 MAR p. 1755; AMD, 2006 MAR p. 1583, Eff. 7/1/06; REP, 2018 MAR p. 306, Eff. 2/10/18.)

24.141.2102 CONTINUING EDUCATION

- (1) Sixteen hours of continuing education must be obtained for each year in the renewal cycle. A minimum of eight hours must cover NEC updates.
 - (a) New graduates of approved apprenticeship programs are exempt from continuing education requirements for the first renewal cycle.
 - (b) Licensees advancing from journeyman or residential to a higher level of licensure are not exempt from completing the required hours of continuing education.
- (2) Licensees are responsible for maintaining records of completion and submitting certificates to the department upon request.
 - (a) Course completion certificates shall contain the licensee's name, the course title, the date, and a breakdown of the course content (NEC or industry) by credit hour.
 - (b) The department may perform a random audit of licensees' continuing education hours at any time. The department shall determine the percentage to audit based on a statistically relevant sampling of the total number of licensees and the compliance rate of past audits.
 - (c) Basic electric courses or apprentice-level courses are not accepted for continuing education credit.
- (3) The department, on behalf of the board, maintains a list of approved continuing education courses. The department shall review and approve continuing education courses and issue an approval number to the course. To gain approval, the department shall verify the following:
 - (a) the course addresses NEC updates and other subjects related to the industry by credit hour;
 - (b) The course certificate meets the requirements of (2)(a);
 - (c) The course instructor is a Montanan-licensed journeyman or master electrician or the instructor has substantially equivalent credentials; and
 - (d) The licensees course participation is verifiable online within 30 days of course completion.
- (4) The board shall honor continuing education courses approved by a state which has a reciprocal licensing agreement with the board, or if the department determines that the state's courses are substantially equivalent to the courses approved in this state. The course approval number, date of course, and credit breakdown must appear on the completion certificate.

(History: 37-1-131, 37-1-319, 37-68-201, MCA; IMP, 37-1-131, 37-1-306, 37-1-319, MCA; NEW, 1988 MAR p. 567, Eff. 3/25/88; AMD, 1994 MAR p. 951, Eff. 4/15/94; AMD, 1996 MAR p. 3039, Eff. 11/22/96; AMD, 1998 MAR p. 455, Eff. 2/13/98; AMD, 2001 MAR p. 2418, Eff. 12/7/01; TRANS, from Commerce, 2002 MAR p. 1755; AMD, 2006 MAR p. 1612, Eff. 5/19/06; AMD, 2006 MAR p. 1583, Eff. 7/1/06; AMD, 2009 MAR p. 1665, Eff. 9/25/09; AMD, 2010 MAR p. 1081, Eff. 4/30/10.; AMD, 2024 MAR p. 1194, Eff. 5/25/24.)

Subchapter 22 reserved

Subchapter 23 Unprofessional Conduct

24.141.2301 UNPROFESSIONAL CONDUCT

- 1) Failure by a licensee of the following is considered unprofessional conduct:
 - (a) Electrical contractors shall have their contractor's license posted at their place of business.
 - (b) A licensed residential electrician shall perform work only in the employment of a licensed electrical contractor. A licensed residential electrician shall perform work only on residential construction consisting of less than five living units in a single structure.
 - (c) A licensed journeyman or master electrician who is not the responsible electrician for a licensed electrical contractor shall perform work only in the employment of a licensed electrical contractor.
 - (d) The responsible electrician of a licensed electrical contractor shall not allow any person to perform electrical work unless properly licensed or working with a valid temporary practice permit.
 - (e) The responsible electrician of a licensed electrical contractor is responsible for timely obtaining any permit or inspection required by the state of Montana or the state or local building code enforcement entity and is responsible for ensuring that the work performed meets the requirements of the state of Montana and the National Electrical Code.
 - (f) A licensee shall correct violations of the Montana State Electrical Code as adopted by the Department of Labor and Industry's Building and Commercial Measurements Bureau, after having received proper notice and adequate time to do so, as determined by the inspector involved in light of the seriousness of the violation(s) and other similarly relevant considerations.
 - (g) A licensee shall comply with all relevant laws under Title 39, MCA. Any adjudication by the court or agency having jurisdiction of a violation of any workers' compensation, unemployment insurance, or independent contractor law in Montana while engaged in the electrical trade is unprofessional conduct.
 - (h) A licensee shall provide the board verification of an employee's hours worked in the employ of the licensee when the request for verification is made for purposes of licensure.