



**MONTANA
ADMINISTRATIVE
REGISTER**

**STATE ELECTRICAL BOARD
DEPARTMENT OF LABOR AND INDUSTRY**

NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2025-136.1

Summary

Implementation of House Bills 246, 414, and 497 pertaining to rules of the State Electrical Board

Hearing Date and Time

Wednesday, December 17, 2025, at 9:00 a.m.

Virtual Hearing Information

A public hearing will be held via remote conferencing to consider the proposed changes to the agency's rules. There will be no in-person hearing. Interested parties may access the remote conferencing platform in the following ways:

Join Zoom Meeting: <https://mt-gov.zoom.us/j/81440835218>

Meeting ID: 814 4083 5218; Password: 6487141419

Dial by Telephone: +1 646 558 8656

Meeting ID: 814 4083 5218; Password: 6487141419

Comments

Concerned persons may present their data, views, or arguments at the hearing. Written data, views, or arguments may also be submitted at dli.mt.gov/rules or P.O. Box 1728, Helena, Montana 59624. Comments must be received by Friday, December 19, 2025, at 5:00 p.m.

Accommodations

The agency will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. Requests must be made by Wednesday, December 10, 2025, at 5:00 p.m.

Contact

Department of Labor and Industry
(406) 444-5466
laborlegal@mt.gov
Montana Relay: 711

Rulemaking Actions

AMEND

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

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)(2) "Limited electrical contractor" means a Montana-licensed electrical contractor limited to residential construction consisting of less than five living units in a single structure.
- (4)(3) "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)(4) "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)~~(5) "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)~~(6) "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.

Authorizing statute(s): 37-1-131, 37-68-201, MCA

Implementing statute(s): 37-68-102, 37-68-201, 37-68-304, 37-68-305, 37-68-312, MCA

Reasonable Necessity Statement

The proposed amendment is necessary because House Bill (HB) 497, 2025 Mont. Leg. ch. 454, adopted the definition of "legally obtained practical experience" into state law. Therefore, it is not necessary to repeat a statutory definition in rule.

24.141.502 ~~TEMPORARY PRACTICE PERMIT~~ PROVISIONAL LICENSE

- (1) An active ~~temporary practice permit~~ provisional license allows an applicant to perform work while employed by a licensed electrical contractor.
- (2) A ~~temporary practice permit~~ provisional license 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~~ provisional license 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~~ provisional license.
- (3) A ~~temporary practice permit~~ provisional license does not allow an individual to act as a responsible electrician for a licensed electrical contractor.
- (4) A second ~~temporary practice permit~~ provisional license 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~~ provisional license. Applicants who fail a master-level examination with a score of 69 percent or less are not eligible for a second ~~temporary practice permit~~ provisional license.

Authorizing statute(s): 37-1-319, 37-68-201, MCA

Implementing statute(s): 37-1-305, 37-68-311, MCA; [HB 414 (2025)]

Reasonable Necessity Statement

The proposed amendments are necessary to implement the relevant portions of HB 414, 2025 Mont. Leg. ch. 279, that repealed 37-1-305, MCA, Temporary Practice Permits and changed the standard language from “temporary practice permit” to “provisional license.”

24.141.2102 CONTINUING EDUCATION

- (1) Sixteen hours of continuing education must be obtained during the renewal cycle. A minimum of eight hours must cover NEC updates.
 - (a) New graduates of approved apprenticeship programs are exempt from the continuing education requirement 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 or 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 Montana-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.
- (5) Licensees may receive a maximum of eight hours continuing education credit for serving as an instructor for department-approved continuing education courses per year.
- (6) Licensees may receive a maximum of eight hours continuing education credit for serving as an instructor for an approved Montana Registered Apprenticeship Program course per year, as verified by a school administrator or authority.

Authorizing statute(s): 37-1-131, 37-1-319, 37-68-201, MCA

Implementing statute(s): 37-1-131, 37-1-306, 37-1-319, MCA

Reasonable Necessity Statement

It is reasonably necessary to amend the rule to allow instructors of approved continuing education courses and apprenticeship courses to receive credit for their time preparing for and delivering instruction. Instruction of courses requires licensees to review subject matter, and demonstrates current competency in the field. Awarding continuing education credit to instructors acknowledges the professional development inherent in the teaching process.

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~~ three board members, including ~~one journeyman or master electrician~~ two professional members of the board and one public member of the board.

- (b) The adjudication panel shall consist of ~~three~~ two 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.

Authorizing statute(s): 37-1-131, MCA

Implementing statute(s): 2-15-1764, 37-1-307, MCA; [HB 414 (2025)]

Reasonable Necessity Statement

The proposed amendment in (1)(a) is necessary because HB 414, 2025 Mont. Leg. ch. 279, effective October 1, 2025, assigned the review of nonroutine applications for licensure to the screening panel of each licensing board. The proposed amendment in (1)(a) allows the board chair to assign three members to the screening panel due to the screening panel's additional responsibilities assigned by HB 414. Further, the proposed amendment in (1)(a) is necessary to require two professional members on the screening panel because professional members' expertise ensures that applications and disciplinary matters are evaluated in accordance with established professional standards.

The proposed amendment in (1)(b) is necessary because the State Electrical Board is a five-member board under 2-15-1764, MCA. As proposed in amendment (1)(a), three board members shall be assigned to the screening panel and therefore cannot be subsequently assigned to participate in a hearing of the case on the adjudication panel pursuant to 37-1-307(1)(d), MCA.

ADOPT

The rule proposed to be adopted is as follows:

NEW RULE 1 SUBSTANTIAL EQUIVALENCY

- (1) The board adopts and incorporates by reference the 2025 substantial equivalency list for the State Electrical Board publication. The publication is available on the board's website.
- (2) The board intends to review the publication annually. However, failure to review or adopt a new list does not change the effectiveness of the adoption of this rule.

- (3) License applications from individuals licensed in substantially equivalent states are routine applications as to the education, examination, and experience requirements for licensure. Applications may be nonroutine on other bases.

Authorizing statute(s): 37-1-131, MCA

Implementing statute(s): 37-1-304, MCA

Reasonable Necessity Statement

The 2025 Montana Legislature passed HB 246 which was signed by the Governor April 3, 2025, and will become effective October 1, 2025. The bill standardizes substantial equivalency determinations in professional licensing and eliminates duplicative statutory sections regarding equivalency and reciprocity.

While historically available to applicants licensed in other states or jurisdictions, licensure by substantial equivalency has never been consistent among the professional licensing boards and programs. HB 246 creates a standard definition for determining substantial equivalency to be uniformly utilized by all the boards and programs when processing endorsement applications. This will create overall efficiencies in processing endorsement applications and reduce licensing wait times for applicants and employers.

To implement the legislation and further the endorsement licensing process, the board is proposing to adopt NEW RULE 1 (24.141.508). The board has compared current licensure standards of the fifty United States for board licensees and determined those that are substantially equivalent per the definition in 37-1-302, MCA. This new rule will adopt and incorporate by reference the board initial approved list of states having substantially equivalent licensing standards. The list will be published on the board website. The board will analyze other states' licensing standards annually, and update the published list as needed.

REPEAL

The rule proposed to be repealed is as follows:

24.141.504 LICENSURE BY RECIPROCITY OR ENDORSEMENT

Authorizing statute(s): 37-1-131, 37-68-201, MCA

Implementing statute(s): 37-1-304, MCA

Reasonable Necessity Statement

It is reasonably necessary to repeal this rule because it is substantially duplicative of 37-1-304(3), MCA. In addition, the 2025 Montana Legislature passed HB 246 which establishes a standard definition for “substantial equivalency.” The board’s NEW RULE 1 proposes to adopt and incorporate by reference the board’s initial approved list of states having substantially equivalent licensing standards.

Small Business Impact

The board identified contracted electricians as the only class or group of small businesses that will be affected by the proposed rule changes. The board determined that the impact of these rule changes is unlikely to be significant. However, the board determined that any impact of proposed NEW RULE 1 is likely to be positive as the new rule will allow for easier and more efficient licensure for applicants from states with substantially equivalent licenses.

Bill Sponsor Notification

The primary bill sponsors for House Bill 497 were notified on April 15, 2025, and the primary bill sponsors for House Bills 246 and 414 were notified on July 24, 2025, all by electronic mail.

Interested Persons

The agency maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by the agency. Persons wishing to have their name added to the list may sign up at dli.mt.gov/rules or by sending a letter to P.O. Box 1728, Helena, Montana 59624 and indicating the program or programs about which they wish to receive notices.

Rule Reviewer

Jennifer Stallkamp

Approval

Sarah Swanson, Commissioner

Approval

Clay Ledbetter, Presiding Officer, State Electrical Board