



**MONTANA
ADMINISTRATIVE
REGISTER**



DEPARTMENT OF LABOR AND INDUSTRY

NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2026-138.1

Summary

Boiler Operating Engineers Program implementation of House Bill 246 pertaining to substantial equivalency

Hearing Date and Time

Tuesday, August 4, 2026, 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/82820583952>

Meeting ID: 828 2058 3952; Password: 1490790356

Dial by Telephone: +1 646 558 8656

Meeting ID: 828 2058 3952; Password: 1490790356

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, August 7, 2026, 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 Tuesday, July 28, 2026, at 5:00 p.m.

Contact

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

General Reasonable Necessity Statement

The 2025 Montana Legislature passed House Bill (HB) 246 which was signed by the Governor April 3, 2025, and became 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 department is proposing to adopt NEW RULE 1 as it pertains to the Boiler Operating Engineers Program. The department has compared current licensure standards of the fifty United States for boiler operator 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 department's initial approved list of states having substantially equivalent licensing standards. The list will be published on the department's website. The department will analyze other states' licensing standards annually, and update the published list as needed.

Rulemaking Actions

ADOPT

The rule proposed to be adopted is as follows:

NEW RULE 1 SUBSTANTIAL EQUIVALENCY

- (1) The department adopts and incorporates by reference the 2026 substantial equivalency list for the Boiler Operating Engineers Program publication. The publication is available on the department's website.
- (2) The department intends to review the publication annually. However, failure to review or adopt a new list does not change the effectiveness of the adoption in 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): 50-74-101, MCA

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

Small Business Impact

Pursuant to 2-4-111, MCA, the Montana small businesses that will probably be affected by the proposed rule changes are settings wherein the operation of a boiler occurs. The rules implementing HB 246 provide for licensure of out-of-state applicants when an individual holds an active good standing license that is determined to be substantially equivalent. The department has determined that the proposed rule changes will not create a negative significant and direct impact on these small businesses and will, in fact, have a positive impact on small businesses by encouraging individuals to enter Montana and join the Montana workforce.

Bill Sponsor Notification

The primary bill sponsor was notified by email on June 4, 2026.

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