



**MONTANA
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DEPARTMENT OF LABOR AND INDUSTRY

NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2026-140.1

Summary

Elevator Contractors, Mechanics, and Inspectors Licensing Program rules cleanup and implementation of House Bill 246 pertaining to substantial equivalency

Hearing Date and Time

Friday, July 31, 2026, at 11:00 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/81462841709>

Meeting ID: 814 6284 1709; Password: 8213521210

Dial by Telephone: +1 646 558 8656

Meeting ID: 814 6284 1709; Password: 8213521210

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 Friday, July 24, 2026, 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:

24.142.301 DEFINITIONS

For the purposes of this chapter, the following definitions apply:

- (1) "ANSI" means the American National Standards Institute.
- (2) "ASME" means the American Society of Mechanical Engineers.
- (3) "Conveyance" means the equipment set forth at 50-60-704(1), MCA.
- (4) "Conveyance work" means the design, construction, alteration, operation, maintenance, repair, inspection, installation, and testing of the equipment set forth at 50-60-704(1), MCA. Further definitions of these activities are located in the ASME codes adopted by reference at ARM 24.301.602.
- (5) "Elevator code" means the code contained in ARM 24.301.602.
- (6) "Helper" means an individual who is assisting with the installation of conveyance components by a licensed elevator mechanic or limited mechanic.
- (7) "Responsible elevator mechanic" means a designated individual employed by a licensed elevator contractor who is hired on a full-time basis to ensure all work performed by the mechanic's employer is code compliant.

- (8) "Responsible limited mechanic" means a designated individual employed by a licensed limited elevator contractor who is hired on a full-time basis to ensure that all work performed by the mechanic's employer is code compliant.

Authorizing statute(s): 37-73-102, 50-60-705, MCA

Implementing statute(s): 37-1-144, 37-1-148, 37-73-102, 37-73-201, 37-73-202, 37-73-203, 37-73-204, ~~37-73-208~~, 37-73-212, ~~37-73-216~~, 50-60-704, MCA

Reasonable Necessity Statement

This rule has been amended to remove references to repealed statutes and replace them with currently applicable statutory citations.

24.142.302 SCOPE OF PRACTICE

- (1) Elevator mechanic licenses are not required for individuals who do not require access to the pit, hoistway, or top of the car to perform limited maintenance inside the car, which does not impact code compliance issues to include:
- (a) signal systems;
 - (b) fans;
 - (c) electric light fixtures;
 - (d) illuminated thresholds; and
 - (e) feeder wires to the terminals on the elevator main line control.
- (2) Elevator mechanic licenses are not required for individuals who perform operational testing after the person doing the test has performed a lock-out and tag-out, and as long as the testing does not impact code compliance issues or require any form of conveyance disassembly. Such testing may include, but is not limited to:
- (a) fire service tests;
 - (b) step/skirt index tests;
 - (c) starting and stopping of equipment through normal means; or
 - (d) smoke and heat detectors tests.

- (3) The construction or modification of hoistway shaft enclosure or machine room enclosure that does not involve alteration, repair, or maintenance of an elevator does not require an elevator contractor's license. However, the construction or modification of these structures must comply with all other applicable sections of the currently adopted building regulations.
- (4) A licensed elevator contractor may use a helper to assist a licensed elevator mechanic or limited mechanic to do conveyance work. Assistance does not include performing any function that requires knowledge, skills, or abilities of an elevator mechanic or limited mechanic.

Authorizing statute(s): 37-73-102, MCA

Implementing statute(s): 37-1-144, 37-1-148, 37-73-102, 37-73-201, 37-73-203, ~~37-73-208~~, 37-73-212, MCA

Reasonable Necessity Statement

This rule has been amended to remove references to repealed statutes and replace them with currently applicable citations.

24.142.402 FEE SCHEDULE

- (1) Examination fees are set by the testing agency or the department and vary by examination type.
- (2) Application for license by examination (applies to all categories and includes original license fee) \$200
- (3) Contractor - original license fee 600
- (4) Annual renewal fee for all categories of licensure, except contractor 150
- (5) Annual renewal fee for contractor license 600
- (6) Application for license by endorsement or reciprocity (includes original license fee) 150
- (7) ~~Temporary permit~~ Provisional license 50
- (8) Exam review fee 100
- (9) Reexamination fee 50
- (10) All fees are nonrefundable.

Authorizing statute(s): 37-1-101, 37-73-102, 37-73-201, 37-73-204, MCA

Implementing statute(s): 17-2-302, 17-2-303, 37-1-101, 37-1-134, 37-1-144, 37-1-148, 37-73-102, 37-73-201, 37-73-204, ~~37-73-208~~, 37-73-212, ~~37-73-216~~, 37-73-221, MCA

Reasonable Necessity Statement

This rule has been amended to remove references to repealed statutes and replace them with currently applicable statutes, and to update language from “temporary license” to “provisional license” to reflect the terminology of the replacement statute.

24.142.404 LICENSEE RESPONSIBILITIES

- (1) Licensed elevator mechanics, limited mechanics, elevator contractors, limited elevator contractors, and elevator inspectors ~~shall~~ must have their licenses available on job sites at all times when employed in these capacities. As provided by 37-73-225, MCA, a licensed elevator mechanic and a limited elevator mechanic are subject to a fine for failure to produce proof of licensure upon request.
- (2) All licensed elevator mechanics and limited licensed elevator mechanics shall perform conveyance work only in the employment of a licensed elevator contractor or limited licensed elevator contractor. An elevator mechanic who is a sole proprietor or individual engaging in the business of conveyance work must also be licensed as an elevator contractor.
- (3) A licensed elevator contractor or limited elevator contractor ~~shall~~ must not allow any person to perform elevator or other conveyance installation or repair work, unless the person is:
 - (a) properly licensed;
 - (b) in lawful possession of a valid temporary practice permit; or
 - (c) registered as an apprentice, as provided in ~~ARM 24.142.405~~ 37-73-202, MCA.
- (4) Elevator contractors are responsible for obtaining any permit required by the state of Montana or a certified local building code enforcement authority relating to conveyance work and are responsible for ensuring that work performed complies with the permitting requirements.
- (5) Elevator contractors, limited elevator contractors, elevator mechanics, or limited mechanics may not allow their licenses to be used by other individuals, firms,

corporations, or businesses for the purpose of obtaining conveyance permits or for performing conveyance work.

- (6) An elevator contractor, limited elevator contractor, elevator mechanic, or limited mechanic may not perform work beyond the scope of the individual's license.

Authorizing statute(s): 37-73-102, MCA

Implementing statute(s): 37-1-144, 37-1-148, 37-1-406, 37-1-410, 37-73-102, 37-73-201, 37-73-202, 37-73-203, 37-73-208, 37-73-212, 37-73-225, MCA

Reasonable Necessity Statement

This rule has been amended to remove references to repealed statutes or administrative rules and replace them with currently applicable citations and/or update language to reflect the change of language in the replacement statutes and/or administrative rules. In addition, this rule has been amended to modernize language.

24.142.503 ELEVATOR MECHANIC AND LIMITED MECHANIC APPLICATIONS

- (1) An applicant ~~shall~~ must have one year from the date of department approval to take the examination for which the application was approved. If the examination is not taken within that one-year period, the applicant will be required to submit a new application, provide written verification of experience, and pay the applicable fees.
- (2) All applications ~~shall~~ must be approved or disapproved on a case-by-case basis as the department may deem proper, according to the following criteria:
 - (a) complete application submitted;
 - (b) fees paid;
 - (c) acceptable work experience verified; and
 - (d) past disciplinary actions reviewed and considered, if applicable.

Authorizing statute(s): 37-73-102, MCA

Implementing statute(s): ~~37-1-105, 37-1-150, 37-1-410~~, 37-73-102, 37-73-201, 37-73-203, 37-73-204, 37-73-221, MCA

Reasonable Necessity Statement

This rule has been amended to remove references to repealed statutes and replace them with currently applicable statutory citations and to modernize rule language.

24.142.504 ~~TEMPORARY PRACTICE~~ PROVISIONAL LICENSE

- (1) The department may issue two types of ~~temporary~~ provisional licenses:
 - (a) to elevator inspectors for a six-month ~~temporary~~ provisional license, pending certification while under supervision of a licensed, certified inspector; and
 - (b) to elevator mechanics in the case of an emergency or disaster as provided at 37-73-216, MCA.
- (2) All ~~temporary practice permits~~ provisional licenses are subject to revocation under contested case proceedings in 37-1-403, MCA.

Authorizing statute(s): 37-73-102, MCA

Implementing statute(s): 37-1-144, 37-1-148, 37-73-102, 37-73-201, ~~37-73-216~~, MCA

Reasonable Necessity Statement

This rule has been amended to remove references to repealed statutes and replace them with currently applicable citations and to update language to reflect the change of language in the now-applicable statutes.

24.142.506 ELEVATOR INSPECTOR QUALIFICATIONS

- (1) Unless they qualify for a temporary license under 37-73-208, MCA, applicants for elevator inspectors licenses ~~shall~~ must provide evidence satisfactory to the department that they possess certification as such from one or more of the following entities:
 - (a) ANSI;
 - (b) NAESA;
 - (c) ASME; or
 - (d) another elevator inspector certification from a provider entity, as approved by the department on a case-by-case basis.

Authorizing statute(s): 37-73-102, MCA

Implementing statute(s): 37-1-144, 37-1-148, 37-73-102, 37-73-201, ~~37-73-208~~, MCA

Reasonable Necessity Statement

This rule has been amended to remove references to repealed statutes and replace them with now-applicable citations and to modernize the language of the rule.

24.142.2401 LICENSE DISCIPLINE

- (1) In addition to the conduct set forth in 37-1-410, MCA, the following conduct is also defined as unprofessional conduct:
 - (a) failure to correct violations cited by the department;
 - (b) failure to comply with state law relating to workers' compensation insurance, unemployment insurance, and independent contracting;
 - (c) failure to comply with continuing education requirements set forth in ARM 24.142.2103;
 - (d) failure to comply with the permitting provisions set forth in ~~50-70-709~~ 50-60-709, MCA, and ARM 24.301.606;
 - (e) failure to request an inspection as provided in ARM 24.301.606;
 - (f) failure to provide proof of licensure upon request as prescribed in 37-73-225, MCA;
 - (g) failure of a licensed elevator inspector to file condition reports as prescribed in ARM 24.301.623;
 - (h) failure to notify the department of a material policy alteration or policy cancellation as required by 50-60-716, MCA; and
 - (i) failure to comply with any law and rule governing elevator licensing program or the elevator code.
- (2) The provisions of Title 37, chapter 1, part 4, MCA, govern the prosecution of unprofessional conduct.

Authorizing statute(s): 37-1-413, 37-73-102, MCA

Implementing statute(s): 37-1-402, 37-1-403, 37-1-404, 37-1-405, 37-1-406, 37-1-409, 37-1-410, 37-1-412, 37-73-102, 37-73-225, 37-73-226, ~~37-73-227~~, MCA

Reasonable Necessity Statement

This rule has been amended to remove references to repealed statutes and replace them with currently applicable statutes. In addition, the language of the rule itself was amended to address an incorrect citation to a statute and replace it with the applicable statute.

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 Elevator Contractors, Mechanics, and Inspectors Licensing 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): 37-73-102, 37-73-203, MCA

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

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 Elevator Contractors, Mechanics, and Inspectors Licensing Program. The department has compared current licensure standards of the fifty United States for elevator inspector 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.

Small Business Impact

Pursuant to 2-4-111, MCA, the Montana small businesses that will probably be affected by the proposed rule changes are business entities offering elevator mechanical and inspection services. The department has determined that the proposed rule changes will not create a negative significant and direct impact on these businesses. The department has determined that the proposed rule changes will 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