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INTRODUCED BY Manuel by Request 1 2 3

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS 4 5 66-1228. 66-1234, 66-1236, 66-2108, 66-2110, 66-2111. б 66-2337, 66-2340, 66-2344, 66-2405, 66-2707. 66-2709. 7 66-2711, 66-3016, R.C.M. 1947, TO PROVIDE INCREASED FEES FOR 8 APPLICATION. EXAMINATION, RENEWAL, LATE RENEWAL 08 9 REGISTRATION FOR APPLICANTS, LICENSEES OR REGISTRANTS OF THE BOARDS OF NURSING, ABSTRACTERS, PROFESSIONAL ENGINEERS AND 10 LAND SURVEYORS, PLUMBERS, MORTICIANS, AND HEARING AID 11 DISPENSERS OF THE DEPARTMENT OF PROFESSIONAL AND 12 13 OCCUPATIONAL LICENSING: TO PROVIDE THAT FEES MAY BE 14 INCREASED OR DECREASED BY THE VARIOUS BOARDS WITHIN LIMITS: AND PROVIDING AN EFFECTIVE DATE." 15

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17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

18 Section 1. Section 66-1228, R.C.M. 1947, is amended to 19 read as follows:

20 \*66-1228. License -- by examination -- by endorsement 21 without examination -- license fees. (1) An applicant for a 22 license to practice professional nursing is required to pass 23 a written examination in subjects the board, acting under 24 the professional nursing administration, determines. A 25 written examination may be supplemented by an oral or

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practical examination. On successfully passing the 1 2 examination, the department shall issue to the applicant a З license to practice nursing as a registered professional The applicant shall pay a fee of twenty-five 4 nurse. 5 thirty-five dollars (\$25) (\$35) at the time the application is submitted, which shall be returned to the applicant if 6 7 the application is withdrawn not later than five (5) days prior to the date of examination, or if the examination is я 9 not taken, subject to deduction by the department of one 10 dollar (\$1) per subject of the examination which shall be 11 retained by the department.

12 (2) The board--professional nursing administration, may 13 issue a license to practice nursing as a registered 14 professional nurse without examination, to an applicant who has been licensed or registered as a professional nurse 15 16 under the laws of another state, territory, or country, if 17 in the opinion of the board the applicant meets the qualifications required of registered nurses in this state 18 19 at the time the applicant graduated from a school of 20 nursing. The applicant shall pay a fee of twenty-five 21 thirty-five dollars (\$25) (\$35) at the time the application 22 is submitted, which shall be returned to the applicant if 23 the application is withdrawn not later than five (5) days 24 prior to final submission of the application to the board, 25 subject to deduction of five dollars (\$5), to be retained by

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2 (3) An applicant may, pending application for a professional nursing license under subsection (2) of this 3 section, practice professional nursing as an employee of a 4 physician, or in a hospital or public health agency for a 5 6 period not longer than three (3) months from the date the 7 department acknowledges receiving from the nurse a completed 8 statement, on a form provided by the department, of 9 intention to practice. The statement shall consist of an affidavit by the nurse; and an affidavit by the physician 10 employer or by the administrator, assistant administrator, 11 12 or director of nursing of a hospital or public health agency where the nurse intends to practice professional nursing. 13 14 The affidavit of the nurse and the affidavit of the 15 physician employer or administrator, assistant administrator or director of nursing of the hospital or public health 16 agency shall contain the information deemed by the board 17 necessary for the statement. This subsection does not permit 18 19 the nurse to practice for more than a three (3) month period, or in any event, after being notified by the board, 20 21 through the department, that the application for a license has been denied, or, in all cases, after being notified by 22 the board, through the department, to cease and desist this 23 practice. Notice shall be given by registered or certified 24 mail to the address of the applicant as it appears in the 25

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1 statement of the applicant."

2 Section 2. Section 66-1234, R.C.M. 1947, is amended to 3 read as follows:

66-1234. Fee. An applicant for a license to practice 4 as a licensed practical nurse shall pay a fee of twenty-five 5 thirty-five dollars <del>(\$25)</del> (\$35) to the department at the 6 time the application is submitted, which fee shall be 7 returned to the applicant if the application is withdrawn 8 not later than five (5) days prior to the date of 9 examination or the final submission to the board of 10 application for endorsement without examination, subject to 11 12 a deduction of five dollars (\$5) to be retained by the 13 department."

14 Section 3. Section 66-1236, R.C.M. 1947, is amended to 15 read as follows:

16 \*66-1236. Renewal of license. (1) The license of a 17 person licensed under this act must be annually renewed. 18 Before December 1 of each year, the department shall mail an 19 application form for renewal of license to every person to whom a license was issued or renewed during the year. The 20 21 applicant shall carefully complete and subscribe the application form and return it to the department with a 22 renewal fee of five ten dollars (65) (\$10) before January 1, 23 24 provided, however, that the board may increase or decrease 25 the annual license fee so as to maintain in the earmarked

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٦ revenue fund at all times an adequate amount to be used for 2 the purpose of administering, policing, and enforcing the provisions of this chapter. On receipt of the application 3 4 and fee the department shall verify the accuracy of the 5 application against its record, and from other sources the 6 board considers reliable, and issue to the applicant a certificate of renewal for the current year beginning 7 8 January 1 and expiring December 31. following. The 9 certificate of renewal renders the holder a legal practitioner of nursing for the period stated in the 10 11 certificate of renewal.

12 (2) A licensee who allows his license to lapse by 13 failing to renew the license may be reinstated by the board 14 on satisfactory explanation for the failure to renew license 15 and on payment of the current renewal fee prescribed by the 16 board.

17 (3) A person practicing nursing during the time 18 following the date his license has expired is an illegal 19 practitioner and is subject to the penalties provided for 20 violations of this act."

21 Section 4. Section 66-2108, R.C.M. 1947, is amended to 22 read as follows:

23 "66-2108. Examination of applicants. A person desiring
24 to obtain a certificate of registration under this act shall
25 make application to the department and shall pay to the

department an examination fee of-twenty-five--dollars--(625) 1 not to exceed fifty dollars (\$50) and as set by the board. 2 The application shall be on a form prescribed by the board 3 4 and shall contain information desired by the board. The board shall fix a date and place for the examination of the 5 applicant, of which notice shall be given the applicant by 6 7 mail, who shall present himself at the examination. The department, subject to section 82A-1603, shall examine the 8 ġ applicant under the rules adopted by the board."

10 Section 5. Section 66-2110, R.C.M. 1947, is amended to 11 read as follows:

12 "66-2110. Certificate of registration -- contents and 13 issuance -- temporary certificates. (1) The certificate of 14 registration issued by the department shall recite, among 15 other things, that the holder has complied with this act, 16 and entitles the holder to take charge of an abstract office 17 holding a certificate of authority under this act.

18 (2) Certificates of registration shall be issued on 19 the payment of a five dollar (\$5) fee and are valid for one 20 (1) year from the date of issuance and shall be renewed 21 annually by the department on application within thirty (30) 22 days prior to expiration and on payment of one-dollar-(\$1) 23 not to exceed five dollars (\$5) to the department and as set by the board. The board may authorize the department to 24 issue temporary certificates of registration between 25 -- HB 378

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1 meetings of the board."

2 Section 6. Section 66-2111, R.C.M. 1947, is amended to
3 read as follows:

4 "66-2111. Certificate of authority -- contents and 5 issuance. (1) A person, firm, or corporation desiring to 6 obtain a certificate of authority under this act shall make application to the department and shall pay to 7 the 8 department an application fee of-five-dollars-(65) not to 9 exceed twenty-five dollars (\$25) as set by the board. The 10 application shall be on a form prescribed by the board and 11 shall contain information desired by it.

12 (2) A person, firm, or corporation, who furnishes 13 satisfactory proof to the board that the applicant has for 14 use in the business a set of abstract books or other system 15 of indices and has in charge of the business a registered 16 abstracter, and who furnishes the bond, or other securities, 17 and pays the application fee is entitled, on compliance with 18 this law, to receive a certificate of authority.

19 (3) Certificates of authority are valid for one (1) 20 year from the date of issuance and shall be renewed by the 21 department on application within thirty (30) days prior to 22 expiration and on payment of five-dellers-(65) a fee not to 23 exceed twenty-five (\$25) to the department which fee shall 24 be set by the board. The application shall be accompanied 25 by an affidavit and such other evidence considered

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necessary, showing that the applicant has complied with this
 act.

3 (4) The certificate of authority issued by the 4 department shall, among other things, recite that the bond 5 or other securities have been filed and approved, and the 6 certificate authorizes the person, firm, or corporation, 7 named in it, to engage in and carry on the business of an 8 abstracter of real estate titles in the county or counties 9 of this state, in which the person, firm, or corporation has 10 for use a set of abstract books or system of indices 11 provided for in section 66-2101, and for that purpose to 12 have access to the public records in an office of a city, 13 county, or of the state during office hours, and to make 14 memoranda or notation therefrom as may be necessary for the 15 purpose of making abstracts, and the compiling, posting, 16 copying, and keeping up of their abstract books, indices, or 17 records, access to be during ordinary office hours."

18 Section 7. Section 66-2337, R.C.M. 1947, is amended to 19 read as follows:

20 "66-2337. Application for registration -- fees. (1) 21 Applications for registration shall be on forms prescribed 22 by the board and furnished by the department, shall contain 23 statements made under oath, showing the applicant's 24 education and a detailed summary of his technical work, and 25 shall contain not less than five (5) references, of whom

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three (3) or more shall be engineers or land surveyors
 having personal knowledge of h<sup>4</sup>s engineering or land
 surveying experience.

(2) The registration fee for professional engineers is 4 thirty-five fifty dollars (\$35) (\$50), twenty thirty dollars 5 (\$30) of which shall accompany application, the 6 7 remaining fifteen twenty dollars (\$15) (\$20) to be paid on issuance of a certificate. When a certificate of 8 qualification issued by the national bureau of engineering 9 registration is accepted as evidence of qualification, the 10 total fee for registration as professional engineer is 11 12 twenty thirty dollars (\$20) (\$30).

(3) The fee for engineer-in-training is twenty dollars 13 (\$20), which shall accompany the application and shall 14 include the cost of examination and issuance of a 15 certificate. When certification as an engineer-in-training 16 by another state, or a territory or possession of the United 17 States or country, is accepted as evidence of qualification, 18 the fee for engineer-in-training is five ten dollars (65) 19 (\$10). When registration as a professional engineer is 20 21 completed by an engineer-in-training, an additional fee of fifteen twenty-five dollars (\$15) (\$25) shall be paid before 22 issuance of a certificate as a professional engineer. 23

24 (4) The registration fee for land surveyors is
 25 thirty-five fifty dollars (635) (\$50), which shall accompany

1 the application. The fee for registration as both a 2 professional engineer and land surveyor is fifty seventy 3 dollars (\$50) (\$70), thirty-five fifty dollars (\$35) (\$50) 4 of which shall accompany the application, the remaining 5 fifteen twenty dollars (\$15) (\$20) to be paid on issuance of 6 a certificate.

7 (5) If the board denies issuance of a certificate of 8 registration to any applicant the initial fee deposited 9 shall be retained as an application fee."

10 Section 8. Section 66-2340, R.C.M. 1947, is amended to 11 read as follows:

"66-2340. Expiration and renewals -- fee. Certificates 12 of registration expire on December 31 and become invalid on 13 that date unless renewed. The department shall notify every 14 person registered under this act, of the date of the 15 expiration of his certificate and the amount of the fee 16 17 required for its renewal for one (1) year. This notice shall be mailed at least one (1) month in advance of the date of 18 19 the expiration of the certificate. Renewal may be made during the month of December by the payment of a fee of--ten 20 21 deltars--(\$10) not to exceed twenty dollars (\$20) as set by 22 the board for either a professional engineer or land 23 surveyor or both. Failure on the part of a registrant to renew his certificate annually in the month of December does 24 25 not deprive him of the right of renewal; however, a -10- HB 378

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registrant who fails to pay the renewal fee for two (2)
 consecutive years shall be considered a new applicant and is
 required to submit a new application."

4 Section 9. Section 66-2344, R.C.M. 1947, is amended to 5 read as follows:

6 "66-2344. Registration of persons registered by other 7 states or authorities. The department, subject to approval 8 by the board, may, on application and payment of a fee of 9 twenty forty dollars (\$20) (\$40), issue a certificate of 10 registration as a professional engineer to a person who 11 holds a certificate of qualification or registration issued 12 to him by the national bureau of engineering registration. 13 or of a state, territory, or possession of the United States, or of a country, if the applicant's gualifications 14 15 meet the requirements of this act and the rules of the board." 16

17 Section 10. Section 66-2405, R.C.M. 1947, is amended 18 to read as follows:

19 "66-2405. Examination fee -- expiration of license --20 annual renewal -- fees -- bond required of master plumbers. 21 No applicant for a master plumber's license may submit to 22 the examinations prescribed by the board until he has 23 deposited with the department <u>fifty one hundred</u> dollars 24 <del>(650)</del> <u>(\$100)</u> as an examination fee, and no applicant for a 25 journeyman plumber's license may submit to the examination

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1 prescribed by the board until he has deposited with the 2 department twenty-five fifty dollars (\$25) (\$50) as an examination fee. A license when issued expires one (1) year 3 from the date of issuance. A license issued to a master 4 plumber or a journeyman plumber may be renewed annually, 5 6 without examination, at any time prior to its expiration, by 7 a written request for its renewal, directed to the 8 department, and the payment of twenty-five-dollars-(\$25) not 9 to exceed one hundred dollars (\$100) as set by the board for a renewal of a master plumber's license, and ten--delters 10 11 (\$20) not to exceed twenty-five (\$25) as set by the board 12 for a journeyman plumber's license, and renewal is also for the period of one (1) year. No master plumber's license may 13 14 be issued or renewed unless the applicant has deposited with 15 the department a good and sufficient bond to be approved by 16 the board, or cash in the amount of five thousand dollars 17 (\$5,000) to insure the faithful performance of his duties 18 arising out of the state plumbing code or this chapter." 19 Section 11. Section 66-2707, R.C.M. 1947, is amended to read as follows: 20 21 \*66-2707. Funeral directing. The practice of funeral

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directing on June 1, 1963 is entitled to an annual renewal -12-

directing is prohibited by anyone who does not hold a

funeral director's license or a mortician's license issued

by the department. A person licensed to practice funeral

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of his license on payment of an annual <u>renewal</u> license fee to the department on July 1 of each year. The amount of the annual <u>renewal</u> license fee shall be set by the board but may not exceed <u>five twenty-five</u> dollars <del>(\$5)</del> <u>(\$25)</u>. A funeral director's license may not be issued to a person who is not licensed by the board of embalmers and funeral directors to practice funeral directing on June 1, 1963."

8 Section 12. Section 66-2709, R.C.M. 1947, is amended
9 to read as follows:

"66-2709. Examination for morticians. A person 10 possessing the necessary qualifications may apply to the 11 department for a license and on payment of an application 12 fee of-twenty-five-dollars-(\$25) as set by the board but not 13 exceed seventy-five dollars (\$75), may take the 14 to examination prescribed by the board. The examination shall 15 be held on the second Wednesday of July each year in Helena 16 17 and at such other times and places as the board considers necessary." 18

19 Section 13. Section 66-2711, R.C.M. 1947, is amended 20 to read as follows:

21 "66-2711. Mortician's license -- fee and renewal. (1)
22 The annual license fee for a mortician's license must be
23 postmarked before July 1 of the assessment year. The amount
24 of the annual *tieense* renewal fee shall be set by the board
25 but may not exceed ten <u>fifty</u> dollars (\$10). A--person

1 helding--a--license--issued--by--the--board-of-embalmers-and 2 funeral-directors-to-practice-embalming-on-June-17-1963-may, within-two-(2)-vears-of-this-date--apply-for-and--receive--a 3 mortician's-license-on-payment-of-the-license-feet 4 5 (2) Failure to pay the annual license renewal fee б results in automatic suspension of the license. The license may be reinstated by the payment of unpaid license renewal 7 8 fees plus a penalty of twenty-five dollars (\$25)." 9 Section 14. Section 66-3016, R.C.M. 1947, is amended 10 to read as follows: 11 "66-3016. Annual renewal fee. A person who practices the fitting of hearing aids shall annually pay to the 12 department a fee of-fifty-dollers-(\$50) not to exceed eighty 13 dollars (\$80) as set by the board for a renewal of his 14 15 license. A-thirty-(30)-day-grace-period--is--allowed--after 16 expiration--of--a-license--during-which-it-may-be-renewed-on 17 payment--of--a--fee--of--fifty-five--dollars--(655)--to--the 18 department;--After--the--expiration-of-the-grace-period;-the 19 beard-may-authorize-the-department-to--renew--a--license--on payment--of--sixty--dollars-(\$60)-to-the-department. The fee 20

21 shall be increased ten percent (10%) for each month or major

22 portion thereof that the payment of the renewal fee is

23 delayed after the expiration date. The maximum fee for a

24 delayed renewal shall not exceed twice the normal renewal

25 <u>fee as set by the board.</u> A person who applies for renewal, -14- HB 378

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whose license was suspended for failure to renew, is not
 required to submit to an examination as a condition of
 renewal for a three (3) year period after suspension."
 Section 15. This act is effective on its passage and

5 approval.

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Approved by Committee on State Administration Zouse BILL NO. 378 1 INTRODUCED BY Manuel by Request 2 3 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS 4 66-1228. 66-1234, 66-1236, 66-2108, 66-2110, 66-2111, 5 66-2337, 66-2340, 66-2344, 66-2405, 66-2707, 66-2709, 6 66-2711, 66-3016, R.C.M. 1947, TO PROVIDE INCREASED FEES FOR 7 EXAMINATION, RENEWAL, LATE RENEWAL OR 8 APPLICATION, REGISTRATION FOR APPLICANTS, LICENSEES OR REGISTRANTS OF THE 9 10 BOARDS OF NURSING, ABSTRACTERS, PROFESSIONAL ENGINEERS AND 11 LAND SURVEYORS, PLUMBERS, MORTICIANS, AND HEARING AID THE DEPARTMENT OF PROFESSIONAL 12 DISPENSERS OF AND 13 OCCUPATIONAL LICENSING; TO PROVIDE THAT FEES MAY BE 14 INCREASED OR DECREASED BY THE VARIOUS BOARDS WITHIN LIMITS: 15 AND PROVIDING AN EFFECTIVE DATE."

16

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
Section 1. Section 66-1228, R.C.M. 1947, is amended to
read as follows:

20 "66-1228. License -- by examination -- by endorsement 21 without examination -- license fees. (1) An applicant for a 22 license to practice professional nursing is required to pass 23 a written examination in subjects the board, acting under 24 the professional nursing administration, determines. A 25 written examination may be supplemented by an oral or

SECOND READING

1 practical examination. On successfully passing the 2 examination, the department shall issue to the applicant a 3 license to practice nursing as a registered professional nurse. The applicant shall pay a fee of twenty-five 4 5 thirty-five dollars (\$25) (\$35) at the time the application 6 is submitted, which shall be returned to the applicant if 7 the application is withdrawn not later than five (5) days 8 prior to the date of examination, or if the examination is not taken, subject to deduction by the department of one 9 10 dollar (\$1) per subject of the examination which shall be 11 retained by the department.

12 (2) The board--professional nursing administration, may 13 issue a license to practice nursing as a registered 14 professional nurse without examination, to an applicant who 15 has been licensed or registered as a professional nurse under the laws of another state, territory, or country, if 16 17 in the opinion of the board the applicant meets the 18 qualifications required of registered nurses in this state 19 at the time the applicant graduated from a school of 20 nursing. The applicant shall pay a fee of twenty-five 21 thirty-five dollars (\$25) (\$35) at the time the application 22 is submitted, which shall be returned to the applicant if 23 the application is withdrawn not later than five (5) days 24 prior to final submission of the application to the board. 25 subject to deduction of five dollars (\$5), to be retained by

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2 (3) An applicant may, pending application for a 3 professional nursing license under subsection (2) of this 4 section, practice professional nursing as an employee of a physician. or in a hospital or public health agency for a 5 6 period not longer than three (3) months from the date the 7 department acknowledges receiving from the nurse a completed 8 statement, on a form provided by the department, of intention to practice. The statement shall consist of an 9 10 affidavit by the nurse; and an affidavit by the physician 11 employer or by the administrator, assistant administrator, 12 or director of nursing of a hospital or public health agency 13 where the nurse intends to practice professional nursing. 14 The affidavit of the nurse and the affidavit of the physician employer or administrator, assistant administrator 15 or director of nursing of the hospital or public health 16 17 agency shall contain the information deemed by the board 18 necessary for the statement. This subsection does not permit 19 the nurse to practice for more than a three (3) month 20 period, or in any event, after being notified by the board, 21 through the department, that the application for a license has been denied, or, in all cases, after being notified by 22 23 the board, through the department, to cease and desist this 24 practice. Notice shall be given by registered or certified 25 mail to the address of the applicant as it appears in the

1 statement of the applicant."

2 Section 2. Section 66-1234, R.C.M. 1947, is amended to 3 read as follows:

"66-1234. Fee. An applicant for a license to practice 4 as a licensed practical nurse shall pay a fee of twenty-five 5 thirty-five dollars (\$25) to the department at the 6 7 time the application is submitted, which fee shall be returned to the applicant if the application is withdrawn 8 not later than five (5) days prior to the date of 9 examination or the final submission to the board of 10 application for endorsement without examination, subject to 11 a deduction of five dollars (\$5) to be retained by the 12 13 department."

14 Section 3. Section 66-1236, R.C.M. 1947, is amended to 15 read as follows:

"66-1236. Renewal of license. (1) The license of a 16 17 person licensed under this act must be annually renewed. Before December 1 of each year, the department shall mail an 18 application form for renewal of license to every person to 19 whom a license was issued or renewed during the year. The 20 applicant shall carefully complete and subscribe the 21 application form and return it to the department with a 22 renewal fee of five ten dollars (\$5) (\$10) before January 1, 23 provided, however, that the board may increase or decrease 24 the annual license fee so as to maintain in the earmarked 25

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1 revenue fund at all times an adequate amount to be used for 2 the purpose of administering, policing, and enforcing the 3 provisions of this chapter. On receipt of the application 4 and fee the department shall verify the accuracy of the 5 application against its record, and from other sources the 6 board considers reliable, and issue to the applicant a 7 certificate of renewal for the current year beginning January 1 and expiring December 31, 8 following. The 9 certificate of renewal renders the holder a legal practitioner of nursing for the period stated in the 10 11 certificate of renewal.

12 (2) A licensee who allows his license to lapse by 13 failing to renew the license may be reinstated by the board 14 on satisfactory explanation for the failure to renew license 15 and on payment of the current renewal fee prescribed by the 16 board.

17 (3) A person practicing nursing during the time 18 following the date his license has expired is an illegal 19 practitioner and is subject to the penalties provided for 20 violations of this act."

21 Section 4. Section 66-2108, R.C.M. 1947, is amended to 22 read as follows:

23 \*66-2108. Examination of applicants. A person desiring
24 to obtain a certificate of registration under this act shall
25 make application to the department and shall pay to the

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1 department an examination fee of-twenty-five--dollars--(625) 2 not to exceed fifty dollars (\$50) and as set by the board. 3 The application shall be on a form prescribed by the board and shall contain information desired by the board. The 4 5 board shall fix a date and place for the examination of the applicant, of which notice shall be given the applicant by 6 7 mail, who shall present himself at the examination. The department, subject to section 82A-1603, shall examine the 8 9 applicant under the rules adopted by the board." 10 Section 5. Section 66-2110, R.C.M. 1947, is amended to 11 read as follows: 12 \*66-2110. Certificate of registration -- contents and 13 issuance -- temporary certificates. (1) The certificate of 14 registration issued by the department shall recite, among 15 other things, that the holder has complied with this act, 16 and entitles the holder to take charge of an abstract office 17 holding a certificate of authority under this act. 18 (2) Certificates of registration shall be issued on 19 the payment of a five dollar (\$5) fee and are valid for one 20 (1) year from the date of issuance and shall be renewed annually by the department on application within thirty (30) 21 22 days prior to expiration and on payment of one-dollar-(61)

23 not to exceed five dollars (\$5) to the department and as set
24 by the board. The board may authorize the department to
25 issue temporary certificates of registration between

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1 meetings of the board."

2 Section 6. Section 66-2111, R.C.M. 1947, is amended to 3 read as follows:

4 "66-2111. Certificate of authority -- contents and 5 issuance. (1) A person, firm, or corporation desiring to 6 obtain a certificate of authority under this act shall make 7 application to the department and shall pay to the department an application fee of-five-dollars-(65) not to 8 9 exceed twenty-five dollars (\$25) as set by the board. The 10 application shall be on a form prescribed by the board and 11 shall contain information desired by it.

12 (2) A person, firm, or corporation, who furnishes 13 satisfactory proof to the board that the applicant has for 14 use in the business a set of abstract books or other system 15 of indices and has in charge of the business a registered 16 abstracter, and who furnishes the bond, or other securities, 17 and pays the application fee is entitled, on compliance with 18 this law, to receive a certificate of authority.

(3) Certificates of authority are valid for one (1)
year from the date of issuance and shall be renewed by the
department on application within thirty (30) days prior to
expiration and on payment of five-dellars-(\$5) a fee not to
exceed twenty-five (\$25) to the department which fee shall
be set by the board. The application shall be accompanied
by an affidavit and such other evidence considered

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necessary, showing that the applicant has complied with this
 act.

3 (4) The certificate of authority issued by the department shall, among other things, recite that the bond 4 or other securities have been filed and approved, and the 5 6 certificate authorizes the person, firm, or corporation, named in it. to engage in and carry on the business of an 7 abstracter of real estate titles in the county or counties 8 9 of this state, in which the person, firm, or corporation has 10 for use a set of abstract books or system of indices provided for in section 66-2101, and for that purpose to 11 have access to the public records in an office of a city, 12 county, or of the state during office hours, and to make 13 memoranda or notation therefrom as may be necessary for the 14 15 purpose of making abstracts, and the compiling, posting, copying, and keeping up of their abstract books, indices, or 16 records, access to be during ordinary office hours." 17

18 Section 7. Section 66-2337, R.C.M. 1947, is amended to 19 read as follows:

20 "66-2337. Application for registration -- fees. (1)
21 Applications for registration shall be on forms prescribed
22 by the board and furnished by the department, shall contain
23 statements made under oath, showing the applicant's
24 education and a detailed summary of his technical work, and
25 shall contain not less than five (5) references, of whom

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three (3) or more shall be engineers or land surveyors
 having personal knowledge of his engineering or land
 surveying experience.

(2) The registration fee for professional engineers is 4 thirty-five fifty dollars (\$35) (\$50), twenty thirty dollars 5 (\$30) of which shall accompany application, the 6 remaining fifteen twenty dollars (\$15) (\$20) to be paid on 7 When a certificate of issuance of a certificate. 8 qualification issued by the national bureau of engineering 9 registration is accepted as evidence of qualification, the 10 total fee for registration as professional engineer is 11 twenty thirty dollars (\$20). 12

(3) The fee for engineer-in-training is twenty dollars 13 (\$20), which shall accompany the application and shall 14 include the cost of examination and issuance of a 15 certificate. When certification as an engineer-in-training 16 by another state, or a territory or possession of the United 17 States or country, is accepted as evidence of qualification, 18 the fee for engineer-in-training is five ten dollars (65) 19 (\$10). When, registration as a professional engineer is 20 completed by an engineer-in-training, an additional fee of 21 fifteen twenty-five dollars (\$15) (\$25) shall be paid before 22 issuance of a certificate as a professional engineer. 23

24 (4) The registration fee for land surveyors is
 25 thirty-five fifty dollars (\$35) (\$50), which shall accompany

1 the application. The fee for registration as both a 2 professional engineer and land surveyor is fifty seventy 3 dollars (\$50) (\$70), thirty-five fifty dollars (\$35) (\$50) 4 of which shall accompany the application, the remaining 5 fifteen twenty dollars (\$15) (\$20) to be paid on issuance of 6 a certificate.

7 (5) If the board denies issuance of a certificate of 8 registration to any applicant the initial fee deposited 9 shall be retained as an application fee."

Section 8. Section 66-2340, R.C.M. 1947, is amended to read as follows:

12 "66-2340. Expiration and renewals -- fee. Certificates 13 of registration expire on December 31 and become invalid on 14 that date unless renewed. The department shall notify every 15 person registered under this act, of the date of the 16 expiration of his certificate and the amount of the fee 17 required for its renewal for one (1) year. This notice shall 18 be mailed at least one (1) month in advance of the date of 19 the expiration of the certificate. Renewal may be made 20 during the month of December by the payment of a fee of--ten 21 dollars--(610) not to exceed twenty dollars (\$20) as set by 22 the board for either a professional engineer or land 23 surveyor or both. Failure on the part of a registrant to 24 renew his certificate annually in the month of December does 25 not deprive him of the right of renewal; however, a -10- HB 378

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registrant who fails to pay the renewal fee for two (2)
 consecutive years shall be considered a new applicant and is
 required to submit a new application."

4 Section 9. Section 66-2344, R.C.M. 1947, is amended to 5 read as follows:

6 "66-2344. Registration of persons registered by other 7 states or authorities. The department, subject to approval 8 by the board, may, on application and payment of a fee of 9 twenty forty dollars (620) (\$40), issue a certificate of registration as a professional engineer to a person who 10 holds a certificate of qualification or registration issued 11 12 to him by the national bureau of engineering registration, 13 or of a state, territory, or possession of the United 14 States, or of a country, if the applicant's qualifications 15 meet the requirements of this act and the rules of the board. 16

17 Section 10. Section 66-2405, R.C.M. 1947, is amended18 to read as follows:

19 "66-2405. Examination fee -- expiration of license --20 annual renewal -- fees -- bond required of master plumbers. 21 No applicant for a master plumber's license may submit to 22 the examinations prescribed by the board until he has 23 deposited with the department fifty one hundred dollars 24 <del>(\$50)</del> <u>(\$100)</u> as an examination fee, and no applicant for a 25 journeyman plumber's license may submit to the examination

1 prescribed by the board until he has deposited with the department twenty-five fifty dollars (\$25) (\$50) as an 2 examination fee. A license when issued expires one (1) year 3 from the date of issuance. A license issued to a master 4 5 plumber or a journeyman plumber may be renewed annually, 6 without examination, at any time prior to its expiration, by a written request for its renewal, directed to the 7 8 department, and the payment of twenty-five-dollars-(\$25) not 9 to exceed one hundred dollars (\$100) as set by the board for a renewal of a master plumber's license, and ten--dellars 10 11 (\$10) not to exceed twenty-five (\$25) as set by the board for a journeyman plumber's license, and renewal is also for 12 the period of one (1) year. No master plumber's license may 13 14 be issued or renewed unless the applicant has deposited with 15 the department a good and sufficient bond to be approved by the board, or cash in the amount of five thousand dollars 16 (\$5,000) to insure the faithful performance of his duties 17 18 arising out of the state plumbing code or this chapter."

19 Section 11. Section 66-2707, R.C.M. 1947, is amended
20 to read as follows:

21 "66-2707. Funeral directing. The practice of funeral 22 directing is prohibited by anyone who does not hold a 23 funeral director's license or a mortician's license issued 24 by the department. A person licensed to practice funeral 25 directing on June 1, 1963 is entitled to an annual renewal -12of his license on payment of an annual <u>renewal</u> license fee to the department on July 1 of each year. The amount of the annual <u>renewal</u> license fee shall be set by the board but may not exceed <u>five twenty-five</u> dollars <del>(\$5)</del> <u>(\$25)</u>. A funeral director's license may not be issued to a person who is not licensed by the board of embalmers and funeral directors to practice funeral directing on June 1, 1963."

8 Section 12. Section 66-2709, R.C.M. 1947, is amended 9 to read as follows:

"66-2709. Examination for morticians. A person 10 possessing the necessary qualifications may apply to the 11 department for a license and on payment of an application 12 fee of-twenty-five-dollars-(\$25) as set by the board but not 13 exceed seventy-five dollars (\$75), may take the 14 to examination prescribed by the board. The examination shall 15 be held on the second Wednesday of July each year in Helena 16 and at such other times and places as the board considers 17 necessarv." 18

19 Section 13. Section 66-2711, R.C.M. 1947, is amended 20 to read as follows:

21 •66-2711. Mortician's license -- fee and renewal. (1)
22 The annual license fee for a mortician's license must be
23 postmarked before July 1 of the assessment year. The amount
24 of the annual license renewal fee shall be set by the board
25 but may not exceed ten fifty dollars (\$10). A--person
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holding--a--license--issued--by--the--board-of-embalmers-and 1 2 funeral-directors-to-practice-embalming-on-June-1y-1963-may7 within-two-(2)-years-of-this-datey-apply-for-and--receive--a 3 mortician's-license-on-payment-of-the-license-feet 4 5 (2) Failure to pay the annual license renewal fee results in automatic suspension of the license. The license 6 may be reinstated by the payment of unpaid license renewal 7 8 fees plus a penalty of twenty-five dollars (\$25)." 9 Section 14. Section 66-3016, R.C.M. 1947, is amended 10 to read as follows: 11 "66-3016. Annual renewal fee. A person who practices 12 the fitting of hearing aids shall annually pay to the 13 department a fee of-fifty-dellars-(\$50) not to exceed eighty 14 dollars (\$80) as set by the board for a renewal of his 15 license. A-thirty-(30)-day-grace-period--is--allowed--after expiration--of--a-licensey-during-which-it-may-be-renewed-on 16 17 payment -- of -- a -- fee -- of -- fifty-five -- dollars -- (\$55) -- to -- the 18 department.--After--the--expiration-of-the-grace-period,-the board-may-authorize-the-department-to--renew--a--license--on 19 payment--of--sixty--dollars-(\$60)-to-the-department. The fee 20 21 shall be increased ten percent (10%) for each month or major 22 portion thereof that the payment of the renewal fee is 23 delayed after the expiration date. The maximum fee for a 24 delayed renewal shall not exceed twice the normal renewal 25 fee as set by the board. A person who applies for renewal, -14- HB 378

whose license was suspended for failure to renew, is not required to submit to an examination as a condition of renewal for a three (3) year period after suspension."

4 Section 15. This act is effective on its passage and 5 approval.

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INTRODUCED BY Manuel by Request 1 2 3 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS 4

5 66-1228. 66-1234, 66-1236, 66-2108, 66-2110, 66-2111, 66-2337, 66-2340, 66-2344, 66-2405, 66-2707, 6 66-2709. 7 66-2711 66-3016, R.C.M. 1947, TO PROVIDE INCREASED FEES FOR APPLICATION, EXAMINATION, RENEWAL, LATE RENEWAL OR 8 REGISTRATION FOR APPLICANTS, LICENSEES OR REGISTRANTS OF THE 9 BOARDS OF NURSING, ABSTRACTERS, PROFESSIONAL ENGINEERS AND 10 11 LAND SURVEYORS, PLUMBERS, MORTICIANS, AND HEARING AID 12 DISPENSERS OF THE DEPARTMENT OF PROFESSIONAL AND THAT FEES 13 OCCUPATIONAL LICENSING: TO PROVIDE MAY ΒE INCREASED OR DECREASED BY THE VARIOUS BOARDS WITHIN LIMITS; 14 15 AND PROVIDING AN EFFECTIVE DATE."

16

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
Section 1. Section 66-1228, R.C.M. 1947, is amended to
read as follows:

20 "66-1228. License -- by examination -- by endorsement 21 without examination -- license fees. (1) An applicant for a 22 license to practice professional nursing is required to pass 23 a written examination in subjects the board, acting under 24 the professional nursing administration, determines. A 25 written examination may be supplemented by an oral or

THIRD READING

1 practical examination. On successfully passing the 2 examination, the department shall issue to the applicant a 3 license to practice nursing as a registered professional 4 nurse. The applicant shall pay a fee of twenty-five 5 thirty-five dollars (\$25) (\$35) at the time the application 6 is submitted, which shall be returned to the applicant if 7 the application is withdrawn not later than five (5) days 8 prior to the date of examination, or if the examination is 9 not taken, subject to deduction by the department of one 20 dollar {\$1} per subject of the examination which shall be 11 retained by the department.

12 (2) The board--professional nursing administration, may 13 issue a license to practice nursing as a registered professional nurse without examination, to an applicant who ...4 15 has been licensed or registered as a professional nurse under the laws of another state, territory, or country, if 16 17 in the opinion of the board the applicant meets the 18 qualifications required of registered nurses in this state 19 at the time the applicant graduated from a school of 20 nursing. The applicant shall pay a fee of twenty-five 21 thirty-five dollars (\$25) (\$35) at the time the application is submitted, which shall be returned to the applicant if 22 23 the application is withdrawn not later than five (5) days 24 prior to final submission of the application to the board, subject to deduction of five dollars (\$5), to be retained by 25

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2 (3) An applicant may, pending application for a 3 professional nursing license under subsection (2) of this 4 section, practice professional nursing as an employee of a 5 physician. or in a hospital or public health agency for a 6 period not longer than three (3) months from the date the 7 department acknowledges receiving from the nurse a completed 8 statement, on a form provided by the department, of 9 intention to practice. The statement shall consist of an 10 affidavit by the nurse; and an affidavit by the physician 11 employer or by the administrator, assistant administrator, 12 or director of nursing of a hospital or public health agency 13 where the nurse intends to practice professional nursing. 14 The affidavit of the nurse and the affidavit of the 15 physician employer or administrator, assistant administrator 16 or director of nursing of the hospital or public health 17 agency shall contain the information deemed by the board 18 necessary for the statement. This subsection does not permit 19 the nurse to practice for more than a three (3) month 20 period, or in any event, after being notified by the board, 21 through the department, that the application for a license 22 has been denied, or, in all cases, after being notified by 23 the board, through the department, to cease and desist this practice. Notice shall be given by registered or certified 24 25 mail to the address of the applicant as it appears in the

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1 statement of the applicant."

2 Section 2. Section 66-1234, R.C.M. 1947, is amended to
3 read as follows:

\*66-1234. Fee. An applicant for a license to practice 4 as a licensed practical nurse shall pay a fee of twenty-five 5 thirty-five dollars (\$25) to the department at the 6 time the application is submitted, which fee shall be 7 returned to the applicant if the application is withdrawn 8 9 not later than five (5) days prior to the date of examination or the final submission to the board of 10 application for endorsement without examination, subject to 11 a deduction of five dollars (\$5) to be retained by the 12 department." 13

14 Section 3. Section 66-1236, R.C.M. 1947, is amended to 15 read as follows:

16 "66-1236. Renewal of license. (1) The license of a 17 person licensed under this act must be annually renewed. 18 Before December 1 of each year, the department shall mail an 19 application form for renewal of license to every person to 20 whom a license was issued or renewed during the year. The 21 applicant shall carefully complete and subscribe the 22 application form and return it to the department with a 23 renewal fee of five ten dollars (\$5) (\$10) before January 1, 24 provided, however, that the board may increase or decrease 25 the annual license fee so as to maintain in the earmarked

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1 revenue fund at all times an adequate amount to be used for the purpose of administering, policing, and enforcing the 2 provisions of this chapter. On receipt of the application 3 and fee the department shall verify the accuracy of the 4 5 application against its record, and from other sources the board considers reliable, and issue to the applicant a 6 certificate of renewal for the current year beginning 7 8 January 1 and expiring December 31, following. The certificate of renewal renders 9 the holder a legal practitioner of nursing for the period stated in the 10 11 certificate of renewal.

12 (2) A licensee who allows his license to lapse by 13 failing to renew the license may be reinstated by the board 14 on satisfactory explanation for the failure to renew license 15 and on payment of the current renewal fee prescribed by the 16 board.

17 (3) A person practicing nursing during the time
18 following the date his license has expired is an illegal
19 practitioner and is subject to the penalties provided for
20 violations of this act."

21 Section 4. Section 66-2108, R.C.M. 1947, is amended to 22 read as follows:

\*66-2108. Examination of applicants. A person desiring
to obtain a certificate of registration under this act shall
make application to the department and shall pay to the

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1 department an examination fee of-twenty-five--dollars--- (625) not to exceed fifty dollars (\$50) and as set by the board. 2 3 The application shall be on a form prescribed by the board 4 and shall contain information desired by the board. The board shall fix a date and place for the examination of the 5 applicant, of which notice shall be given the applicant by 6 mail, who shall present himself at the examination. The 7 department, subject to section 82A-1603, shall examine the 8 9 applicant under the rules adopted by the board."

Section 5. Section 66-2110, R.C.M. 1947, is amended to read as follows:

12 "66-2110. Certificate of registration -- contents and 13 issuance -- temporary certificates. (1) The certificate of 14 registration issued by the department shall recite, among 15 other things, that the holder has complied with this act, 16 and entitles the holder to take charge of an abstract office 17 holding a certificate of authority under this act.

18 (2) Certificates of registration shall be issued on 19 the payment of a five dollar (\$5) fee and are valid for one 20 (1) year from the date of issuance and shall be renewed 21 annually by the department on application within thirty (30) 22 days prior to expiration and on payment of one-deltar-(61) 23 not to exceed five dollars (\$5) to the department and as set by the board. The board may authorize the department to 24 25 issue temporary certificates of registration between -6- HB 378

1 meetings of the board."

2 Section 6. Section 66-2111, R.C.M. 1947, is amended to
3 read as follows:

4 "66-2111. Certificate of authority -- contents and 5 issuance. (1) A person, firm, or corporation desiring to 6 obtain a certificate of authority under this act shall make 7 application to the department and shall pay to the 8 department an application fee of-five-dollars-(65) not to 9 exceed twenty-five dollars (\$25) as set by the board. The 10 application shall be on a form prescribed by the board and 11 shall contain information desired by it.

12 (2) A person, firm, or corporation, who furnishes 13 satisfactory proof to the board that the applicant has for 14 use in the business a set of abstract books or other system 15 of indices and has in charge of the business a registered 16 abstracter, and who furnishes the bond, or other securities, 17 and pays the application fee is entitled, on compliance with 18 this law, to receive a certificate of authority.

(3) Certificates of authority are valid for one (1)
year from the date of issuance and shall be renewed by the
department on application within thirty (30) days prior to
expiration and on payment of five-dellars-(\$5) a fee not to
exceed twenty-five (\$25) to the department which fee shall
be set by the board. The application shall be accompanied
by an affidavit and such other evidence considered

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1 necessary, showing that the applicant has complied with this

2 act.

(4) The certificate of authority issued by the 3 4 department shall, among other things, recite that the bond or other securities have been filed and approved, and the 5 6 certificate authorizes the person, firm, or corporation, named in it, to engage in and carry on the business of an 7 8 abstracter of real estate titles in the county or counties 9 of this state, in which the person, firm, or corporation has for use a set of abstract books or system of indices 10 11 provided for in section 66-2101, and for that purpose to 12 have access to the public records in an office of a city, 13 county, or of the state during office hours, and to make 14 memoranda or notation therefrom as may be necessary for the 15 purpose of making abstracts, and the compiling, posting, 16 copying, and keeping up of their abstract books. indices. or 17 records, access to be during ordinary office hours."

18 Section 7. Section 66-2337, R.C.M. 1947, is amended to 19 read as follows:

20 "66-2337. Application for registration -- fees. (1) 21 Applications for registration shall be on forms prescribed 22 by the board and furnished by the department, shall contain 23 statements made under oath, showing the applicant's 24 education and a detailed summary of his technical work, and 25 shall contain not less than five (5) references, of whom

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three (3) or more shall be engineers or land surveyors
 having personal knowledge of his engineering or land
 surveying experience.

(2) The registration fee for professional engineers is 4 thirty-five fifty dollars (\$35) (\$50), twenty thirty dollars 5 (\$30) of which shall accompany application, the 6 remaining fifteen twenty dollars (\$15) (\$20) to be paid on 7 8 issuance of a certificate. When a certificate of gualification issued by the national bureau of engineering 9 registration is accepted as evidence of gualification, the 10 total fee for registration as professional engineer is 11 12 twenty thirty dollars (\$20) (\$30).

13 (3) The fee for engineer-in-training is twenty dollars 14 (\$20), which shall accompany the application and shall include the cost of examination and issuance of a 15 certificate. When certification as an engineer-in-training 16 by another state, or a territory or possession of the United 17 18 States or country, is accepted as evidence of qualification, the fee for engineer-in-training is five ten dollars (65) 19 (\$10). When registration as a professional engineer is 20 21 completed by an engineer-in-training, an additional fee of 22 fifteen twenty-five dollars (\$15) (\$25) shall be paid before 23 issuance of a certificate as a professional engineer.

24 (4) The registration fee for land surveyors is
 25 thirty-five fifty dollars (\$35) (\$50), which shall accompany

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1 the application. The fee for registration as both a 2 professional engineer and land surveyor is fifty seventy 3 dollars (\$50) (\$70), thirty-five fifty dollars (\$35) (\$50) 4 of which shall accompany the application, the remaining 5 fifteen twenty dollars (\$15) (\$20) to be paid on issuance of 6 a certificate.

7 (5) If the board denies issuance of a certificate of 8 registration to any applicant the initial fee deposited 9 shall be retained as an application fee.\*

20 Section 8. Section 66-2340, R.C.M. 1947, is amended to
21 read as follows:

12 "66-2340. Expiration and renewals -- fee. Certificates 3 of registration expire on December 31 and become invalid on . 4 that date unless renewed. The department shall notify every 15 person registered under this act, of the date of the 16 expiration of his certificate and the amount of the fee required for its renewal for one (1) year. This notice shall 17 18 be mailed at least one (1) month in advance of the date of 19 the expiration of the certificate. Renewal may be made during the month of December by the payment of a fee of--ten 20 21 dellars--{\$10} not to exceed twenty dollars (\$20) as set by 22 the board for either a professional engineer or land 23 surveyor or both. Failure on the part of a registrant to 24 renew his certificate annually in the month of December does 25 not deprive him of the right of renewal; however, a

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1 registrant who fails to pay the renewal fee for two (2)
2 consecutive years shall be considered a new applicant and is
3 required to submit a new application."

4 Section 9. Section 66-2344, R.C.M. 1947, is amended to 5 read as follows:

6 \*66-2344. Registration of persons registered by other 7 states or authorities. The department, subject to approval 8 by the board, may, on application and payment of a fee of 9 twenty forty dollars (\$20) (\$40), issue a certificate of 10 registration as a professional engineer to a person who 11 holds a certificate of qualification or registration issued 12 to him by the national bureau of engineering registration. 13 or of a state, territory, or possession of the United 14 States, or of a country, if the applicant's qualifications meet the requirements of this act and the rules of the 15 board." 16

Section 10. Section 66-2405, R.C.M. 1947, is amendedto read as follows:

19 "66-2405. Examination fee -- expiration of license --20 annual renewal -- fees -- bond required of master plumbers. 21 No applicant for a master plumber's license may submit to 22 the examinations prescribed by the board until he has 23 deposited with the department fifty one hundred dollars 24 (\$50) (\$100) as an examination fee, and no applicant for a 25 journeyman plumber's license may submit to the examination

prescribed by the board until he has deposited with the 1 2 department twenty-five fifty dollars (\$25) (\$50) as an examination fee. A license when issued expires one (1) year 3 from the date of issuance. A license issued to a master 4 plumber or a journeyman plumber may be renewed annually, 5 6 without examination, at any time prior to its expiration, by 7 a written request for its renewal, directed to the 8 department, and the payment of twenty-five-dollars-(\$25) not to exceed one hundred dollars (\$100) as set by the board for 9 10 a renewal of a master plumber's license, and ten--dollars 11 (\$10) not to exceed twenty-five (\$25) as set by the board 12 for a journeyman plumber's license, and renewal is also for 13 the period of one (1) year. No master plumber's license may 14 be issued or renewed unless the applicant has deposited with the department a good and sufficient bond to be approved by 15 16 the board, or cash in the amount of five thousand dollars 17 (\$5,000) to insure the faithful performance of his duties 18 arising out of the state plumbing code or this chapter." 19 Section 11. Section 66-2707, R.C.M. 1947, is amended 20 to read as follows:

21 "66-2707. Funeral directing. The practice of funeral 22 directing is prohibited by anyone who does not hold a 23 funeral director's license or a mortician's license issued 24 by the department. A person licensed to practice funeral 25 directing on June 1, 1963 is entitled to an annual renewal

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of his license on payment of an annual <u>renewal</u> license fee to the department on July 1 of each year. The amount of the annual <u>renewal</u> license fee shall be set by the board but may not exceed <u>five twenty-five</u> dollars <del>(\$5)</del> (<u>\$25</u>). A funeral director's license may not be issued to a person who is not licensed by the board of embalmers and funeral directors to practice funeral directing on June 1, 1963.\*

8 Section 12. Section 66-2709, R.C.M. 1947, is amended 9 to read as follows:

"66-2709. Examination for morticians. A person 10 possessing the necessary qualifications may apply to the 11 department for a license and on payment of an application 12 fee of-twenty-five-dollars-(625) as set by the board but not 13 to exceed seventy-five dollars (\$75), may take the 14 examination prescribed by the board. The examination shall 15 be held on the second Wednesday of July each year in Helena 16 and at such other times and places as the board considers 17 necessary." 18

19 Section 13. Section 66-2711, R.C.M. 1947, is amended 20 to read as follows:

21 \*66-2711. Mortician's license -- fee and renewal. (1)
22 The annual license fee for a mortician's license must be
23 postmarked before July 1 of the assessment year. The amount
24 of the annual license renewal fee shall be set by the board
25 but may not exceed ten fifty dollars (\$10). A--person
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holding--a--license--issued--by--the--board-of-embalmers-and 1 2 funeral-directors-to-proctice-embalming-on-June-17-1963-mayr 3 within-two-(2)-years-of-this-datey-apply-for-and--receive--a 4 morticianis-license-on-payment-of-the-license-feet (2) Failure to pay the annual license renewal fee 5 results in automatic suspension of the license. The license 6 may be reinstated by the payment of unpaid license renewal 7 fees plus a penalty of twenty-five dollars (\$25)." 8 9 Section 14. Section 66-3016, R.C.M. 1947, is amended 10 to read as follows: "66-3016. Annual renewal fee. A person who practices 11 the fitting of hearing aids shall annually pay to the 12 .3 department a fee of-fifty-dollars-(650) not to exceed eighty **\_**4 dollars (\$80) as set by the board for a renewal of his 15 license. A-thirty-{30}-day-grace-period--is--allowed--after 16 expiration--of--a-licensey-during-which-it-may-be-renewed-on 17 payment--of--a--fee--of--fifty-five--dollars--(\$55)--to--the 18 department,--After--the--expiration-of-the-grace-period,-the beard-may-authorize-the-department-to--renew--a--license--on 19 payment--of--sixty--dollars-(\$60)-to-the-department. The fee 20 shall be increased ten percent (10%) for each month or major 21 22 portion thereof that the payment of the renewal fee is 23 delayed after the expiration date. The maximum fee for a delayed renewal shall not exceed twice the normal renewal 24 25 fee as set by the board. A person who applies for renewal,

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whose license was suspended for failure to renew, is not
 required to submit to an examination as a condition of
 renewal for a three (3) year period after suspension."

4 Section 15. This act is effective on its passage and 5 approval.

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HB 378

HOUSE BILL NO. 378 1 INTRODUCED BY MANUEL (BY REQUEST) 2

3 "AN ACT TO AMEND SECTIONS A BILL FOR AN ACT ENTITLED: 4 66-1228, 66-1234, 66-1236, 66-2108, 66-2110, 66-2111. 5 66-2337, 66-2340, 66-2344, 66-2405, 66-2707. 66-2709. 6 66-2711, 66-3016, R.C.M. 1947, TO PROVIDE INCREASED FEES FOR 7 APPLICATION, EXAMINATION, RENEWAL, LATE RENEWAL OR 8 REGISTRATION FOR APPLICANTS. LICENSEES OR REGISTRANTS OF THE 9 BOARDS OF NURSING, ABSTRACTERS, PROFESSIONAL ENGINEERS AND 10 SURVEYORS, PLUMBERS, MORTICIANS, AND HEARING AID 11 LAND DISPENSERS OF THE DEPARTMENT OF PROFESSIONAL AND 12 TO PROVIDE THAT FEES MAY BE OCCUPATIONAL LICENSING; 13 INCREASED OR DECREASED BY THE VARIOUS BOARDS WITHIN LIMITS; 14 AND PROVIDING AN EFFECTIVE DATE." 15

16

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 17

Section 1. Section 66-1228, R.C.M. 1947, is amended to 18 19 read as follows:

20 "66-1228. License -- by examination -- by endorsement without examination -- license fees. (1) An applicant for a 21 license to practice professional nursing is required to pass 22 23 a written examination in subjects the board, acting under 24 the professional nursing administration, determines. A 25 written examination may be supplemented by an oral or

practical examination. On successfully passing the٦ examination, the department shall issue to the applicant a 2 3 license to practice nursing as a registered professional nurse. The applicant shall pay a fee of twenty-five 4 5 thirty-five dollars (\$25) (\$35) at the time the application 6 is submitted, which shall be returned to the applicant if 7 the application is withdrawn not later than five (5) days 8 prior to the date of examination, or if the examination is 9 not taken, subject to deduction by the department of one 10 dollar (\$1) per subject of the examination which shall be 11 retained by the department.

12 (2) The board--professional nursing administration, 13 may issue a license to practice nursing as a registered 14 professional nurse without examination, to an applicant who 15 has been licensed or registered as a professional nurse 16 under the laws of another state, territory, or country, if 17 in the opinion of the board the applicant meets the 13 qualifications required of registered nurses in this state 19 at the time the applicant graduated from a school of 20 nursing. The applicant shall pay a fee of twenty-five 21 thirty-five dollars (\$25) (\$35) at the time the application 22 is submitted, which shall be returned to the applicant if 23 the application is withdrawn not later than five (5) days 24 prior to final submission of the application to the board, 25 subject to deduction of five dollars (\$5), to be retained by -2-

REFERENCE BILL

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2 (3) An applicant may, pending application for a 3 professional nursing license under subsection (2) of this 4 section, practice professional nursing as an employee of a 5 physician, or in a hospital or public health agency for a 6 period not longer than three (3) months from the date the 7 department acknowledges receiving from the nurse a completed 8 statement, on a form provided by the department, of 9 intention to practice. The statement shall consist of an 10 affidavit by the nurse; and an affidavit by the physician 11 employer or by the administrator, assistant administrator, 12 or director of nursing of a hospital or public health agency where the nurse intends to practice professional nursing. 13 14 The affidavit of the nurse and the affidavit of the 15 physician employer or administrator, assistant administrator or director of nursing of the hospital or public health 16 agency shall contain the information deemed by the board 17 necessary for the statement. This subsection does not permit 18 the nurse to practice for more than a three (3) month 19 period, or in any event, after being notified by the board, 20 through the department, that the application for a license 21 has been denied, or, in all cases, after being notified by 22 23 the board, through the department, to cease and desist this practice. Notice shall be given by registered or certified 24 mail to the address of the applicant as it appears in the 25 нв 378 -3-

statement of the applicant."

2 Section 2. Section 66-1234, R.C.M. 1947, is amended to 3 read as follows: 4 "66-1234. Fee. An applicant for a license to practice 5 as a licensed practical nurse shall pay a fee of twenty-five 6 thirty-five dollars (\$25) (\$35) to the department at the 7 time the application is submitted, which fee shall be 8 returned to the applicant if the application is withdrawn 9 not later than five (5) days prior to the date of 10 examination or the final submission to the board of 11 application for endorsement without examination, subject to 12 a deduction of five dollars (\$5) to be retained by the 13 department." 14 Section 3. Section 66-1236, R.C.M. 1947, is amended to 15 read as follows: 16 "66-1236. Renewal of license. (1) The license of a 17 person licensed under this act must be annually renewed. 18 Before December 1 of each year, the department shall mail an 19 application form for renewal of license to every person to 20 whom a license was issued or renewed during the year. The 21 applicant shall carefully complete and subscribe the 22 application form and return it to the department with a 23 renewal fee of five ten dollars (\$5) (\$10) before January 1, 24 provided, however, that the board may increase or decrease 25 the annual license fee so as to maintain in the earmarked -4-HB 378

revenue fund at all times an adequate amount to be used for 1 the purpose of administering, policing, and enforcing the 2 provisions of this chapter. On receipt of the application 3 and fee the department shall verify the accuracy of the 4 application against its record, and from other sources the 5 board considers reliable, and issue to the applicant a 6 certificate of renewal for the current year beginning 7 January 1 and expiring December 31, following. The 8 certificate of renewal renders the holder a legal 9 10 practitioner of nursing for the period stated in the 11 certificate of renewal.

12 (2) A licensee who allows his license to lapse by 13 failing to renew the license may be reinstated by the board 14 on satisfactory explanation for the failure to renew license 15 and on payment of the current renewal fee prescribed by the 16 board.

17 (3) A person practicing nursing during the time 18 following the date his license has expired is an illegal 19 practitioner and is subject to the penalties provided for 20 violations of this act."

21 Section 4. Section 66-2108, R.C.M. 1947, is amended to 22 read as follows:

23 "66-2108. Examination of applicants. A person desiring
 24 to obtain a certificate of registration under this act shall
 25 make application to the department and shall pay to the
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1 department an examination fee of-twenty-five--dollars--(625) not to exceed fifty dollars (\$50) and as set by the board. 2 The application shall be on a form prescribed by the board 3 4 and shall contain information desired by the board. The 5 board shall fix a date and place for the examination of the applicant, of which notice shall be given the applicant by 6 7 mail, who shall present himself at the examination. The 8 department, subject to section 82A-1603, shall examine the g. applicant under the rules adopted by the board."

Section 5. Section 66-2110, R.C.M. 1947, is amended to read as follows:

12 "66-2110. Certificate of registration -- contents and 13 issuance -- temporary certificates. (1) The certificate of 14 registration issued by the department shall recite, among 15 other things, that the holder has complied with this act, 16 and entitles the holder to take charge of an abstract office 17 holding a certificate of authority under this act.

18 (2) Certificates of registration shall be issued on 19 the payment of a five dollar (\$5) fee and are valid for one 20 (1) year from the date of issuance and shall be renewed 21 annually by the department on application within thirty (30) 22 days prior to expiration and on payment of ene-dellar-(61) 23 not to exceed five dollars (\$5) to the department and as set 24 by the board. The board may authorize the department to 25 issue temporary certificates of registration between -6-HB 378

meetings of the board."

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2 Section 6. Section 66-2111, R.C.M. 1947, is amended to
3 read as follows:

4 "66-2111. Certificate of authority -- contents and 5 issuance. (1) A person, firm, or corporation desiring to 6 obtain a certificate of authority under this act shall make 7 application to the department and shall pay to the 8 department an application fee of-five-dollars--{65} not to exceed twenty-five dollars (\$25) as set by the board. The 9 10 application shall be on a form prescribed by the board and 11 shall contain information desired by it.

12 (2) A person, firm, or corporation, who furnishes 13 satisfactory proof to the board that the applicant has for 14 use in the business a set of abstract books or other system 15 of indices and has in charge of the business a registered 16 abstracter, and who furnishes the bond, or other securities, 17 and pays the application fee is entitled, on compliance with 18 this law, to receive a certificate of authority.

19 (3) Certificates of authority are valid for one (1) 20 year from the date of issuance and shall be renewed by the 21 department on application within thirty (30) days prior to 22 expiration and on payment of five-dellars-(65) a fee not to 23 exceed twenty-five (\$25) to the department which fee shall 24 be set by the board. The application shall be accompanied affidavit and such other evidence considered 25 bv an HB 378 -7necessary, showing that the applicant has complied with this
 act.

3 (4) The certificate of authority issued by the 4 department shall, among other things, recite that the bond 5 or other securities have been filed and approved, and the 6 certificate authorizes the person, firm, or corporation, 7 named in it, to engage in and carry on the business of an 8 abstracter of real estate titles in the county or counties 9 of this state, in which the person, firm, or corporation has 10 for use a set of abstract books or system of indices 11 provided for in section 66-2101, and for that purpose to 12 have access to the public records in an office of a city, 13 county, or of the state during office hours, and to make 14 memoranda or notation therefrom as may be necessary for the 15 purpose of making abstracts, and the compiling, posting, 16 copying, and keeping up of their abstract books, indices, or 17 records, access to be during ordinary office hours." 18 Section 7. Section 66-2337, R.C.M. 1947, is amended to

19 read as follows:

20 "66-2337. Application for registration -- fees. (1)
21 Applications for registration shall be on forms prescribed
22 by the board and furnished by the department, shall contain
23 statements made under oath, showing the applicant's
24 education and a detailed summary of his technical work, and
25 shall contain not less than five (5) references, of whom
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three (3) or more shall be engineers or land surveyors 1 having personal knowledge of his engineering or land 2 surveying experience. 3

(2) The registration fee for professional engineers is 4 thirty-five fifty dollars (\$35) (\$50), twenty thirty dollars S 6 (\$30) of which shall accompany application, the remaining fifteen twenty dollars (\$15) (\$20) to be paid on 7 8 issuance of a certificate. When a certificate of qualification issued by the national bureau of engineering 9 registration is accepted as evidence of gualification, the 1.0 11 total fee for registration as professional engineer is 12 twenty thirty dollars (\$20).

13 (3) The fee for engineer-in-training is twenty dollars (\$20), which shall accompany the application and shall 14 include the cost of examination and issuance of a 15 certificate. When certification as an engineer-in-training 16 by another state, or a territory or possession of the United 17 13 States or country, is accepted as evidence of qualification, 19 the fee for engineer-in-training is five ten dollars (65) 20 (\$10). When registration as a professional engineer is 21 completed by an engineer-in-training, an additional fee of 22 fifteen twenty-five dollars (\$15) (\$25) shall be paid before issuance of a certificate as a professional engineer. 23 24

(4) The registration fee for land surveyors is 25 thirty-five fifty dollars (\$35) (\$50), which shall accompany -97 application. The fee for registration as both a the 2 professional engineer and land surveyor is fifty seventy 3 dollars (\$50) (\$70), thirty-five fifty dollars (\$35) (\$50) of which shall accompany the application, the remaining 4 5 fifteen twenty dollars (\$15) (\$20) to be paid on issuance of 6 a certificate.

7 (5) If the board denies issuance of a certificate of ß registration to any applicant the initial fee deposited 9 shall be retained as an application fee."

10 Section 8. Section 66-2340, R.C.M. 1947, is amended to 11 read as follows:

12 "66-2340. Expiration and renewals -- fee. Certificates 13 of registration expire on December 31 and become invalid on 14 that date unless renewed. The department shall notify every 15 person registered under this act, of the date of the 16 expiration of his certificate and the amount of the fee 17 required for its renewal for one (1) year. This notice shall 18 be mailed at least one (1) month in advance of the date of 19 the expiration of the certificate. Renewal may be made 20 during the month of December by the payment of a fee ef-ten 21 dellars-{fl0} not to exceed twenty dollars (\$20) as set by 22 the board for either a professional engineer or land 23 surveyor or both. Failure on the part of a registrant to 24 renew his certificate annually in the month of December does 25 not deprive him of the right of renewal; however, a -10 -HB 378

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registrant who fails to pay the renewal fee for two (2)
 consecutive years shall be considered a new applicant and is
 required to submit a new application."

4 Section 9. Section 66-2344, R.C.M. 1947, is amended to 5 read as follows:

"66-2344. Registration of persons registered by other 6 7 states or authorities. The department, subject to approval 8 by the board, may, on application and payment of a fee of twenty forty dollars (\$20) (\$40), issue a certificate of 9 10 registration as a professional engineer to a person who 11 holds a certificate of qualification or registration issued 12 to him by the national bureau of engineering registration, 13 or of a state, territory, or possession of the United 14 States, or of a country, if the applicant's qualifications 15 meet the requirements of this act and the rules of the board." 16

17 Section 10. Section 66-2405, R.C.M. 1947, is amended18 to read as follows:

19 "66-2405. Examination fee -- expiration of license -annual renewal -- fees -- bond required of master plumbers. 20 21 No applicant for a master plumber's license may submit to 22 the examinations prescribed by the board until he has 23 deposited with the department fifty one hundred dollars 24 (550) (\$100) as an examination fee, and no applicant for a 25 journeyman plumber's license may submit to the examination IIB 378 -11-

prescribed by the board until he has deposited with the 1 2 department twenty-five fifty dollars (\$25) (\$50) as an 3 examination fee. A license when issued expires one (1) year 4 from the date of issuance. A license issued to a master plumber or a journeyman plumber may be renewed annually, 5 6 without examination, at any time prior to its expiration, by 7 a written request for its renewal, directed to the 8 department, and the payment of twenty-five-dellars-(\$25) not 9 to exceed one hundred dollars (\$100) as set by the board for 10 a renewal of a master plumber's license, and ten--dellars 11 (\$10) not to exceed twenty-five dollars (\$25) as set by the 12 board for a journeyman plumber's license, and renewal is 13 also for the period of one (1) year. No master plumber's 14 license may be issued or renewed unless the applicant has 15 deposited with the department a good and sufficient bond to be approved by the board, or cash in the amount of five 16 thousand dollars (\$5,000) to insure the faithful performance 17 of his duties arising out of the state plumbing code or this 18 chapter." 19 Section 11. Section 66-2707, R.C.M. 1947, is amended 20 21 to read as follows: 22 \*66-2707. Funeral directing. The practice of funeral directing is prohibited by anyone who does not hold a 23

25 by the department. A person licensed to practice funeral

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funeral director's license or a mortician's license issued

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directing on June 1, 1963 is entitled to an annual renewal 1 of his license on payment of an annual renewal license fee 2 to the department on July 1 of each year. The amount of the 3 annual renewal license fee shall be set by the board but may 4 not exceed five twenty-five dollars (\$5) (\$25). A funeral 5 director's license may not be issued to a person who is not 6 licensed by the board of embalmers and funeral directors to 7 practice funeral directing on June 1, 1963." а

9 Section 12. Section 66-2709, R.C.M. 1947, is amended 10 to read as follows:

"66-2709. Examination for morticians. A person 11 possessing the necessary qualifications may apply to the 12 department for a license and on payment of an application 13 fee of-twenty-five-dollars-(\$25) as set by the board but not 14 to exceed seventy-five dollars (\$75), may take the 15 examination prescribed by the board. The examination shall 10 17 be held on the second Wednesday of July each year in Helena 18 and at such other times and places as the board considers 19 necessary."

20 Section 13. Section 56-2711, R.C.M. 1947, is amended 21 to read as follows:

22 "66-2711. Mortician's license -- fee and renewal. (1) 23 The annual license fee for a mortician's license must be 24 postmarked before July 1 of the assessment year. The amount 25 of the annual license renewal fee shall be set by the board -13- HB 378

1 but may not exceed ten fifty dollars (\$10). A-person 2 holding-a-license-issued--by--the--board--of--embalmers--and 3 funeral-directors-to-practice-embalming-on-June-1y-1963-mayy 4 within--two--(2)-years-of-this-date;-apply-for-and-receive-a 5 mortician's-license-on-payment-of-the-license-feer 6 (2) Failure to pay the annual license renewal fee 7 results in automatic suspension of the license. The license 8 may be reinstated by the payment of unpaid ticense renewal 9 fees plus a penalty of twenty-five dollars (\$25)." 10 Section 14. Section 66-3016, R.C.M. 1947, is amended 11 to read as follows: 12 \*66-3016. Annual renewal fee. A person who practices 13 the fitting of hearing aids shall annually pay to the 14 department a fee of-fifty-dollars-(\$50) not to exceed eighty 15 dollars (\$80) as set by the board for a renewal of his license. A--thirty--(30)-day-grace-period-is-allowed-after 16 17 expiration-of-a-licenser-during-which-it-may-be--renewed--on 18 payment--of--a--fee--of--fifty-five--dollars--(\$55)--to--the 19 department;-After-the-expiration-of-the--grace--period;--the 20 board--may--authorize--the--department-to-renew-a-license-on 21 payment-of-sixty-dollars-(660)-to-the--departmentr The fee 22 shall be increased ten percent (10%) for each month or major 23 portion thereof that the payment of the renewal fee is 24 delayed after the expiration date. The maximum fee for a delayed renewal shall not exceed twice the normal renewal 25

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<u>fee as set by the board.</u> A person who applies for renewal,
 whose license was suspended for failure to renew, is not
 required to submit to an examination as a condition of
 renewal for a three (3) year period after suspension."
 Section 15. This act is effective on its passage and
 approval.

-End-