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House BILL NO. *378*
INTRODUCED BY *Manuel by Request*

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

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:

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

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(\$35) at the time the application is submitted, which shall be returned to the applicant if the application is withdrawn not later than five (5) days prior to the date of examination, or if the examination is not taken, subject to deduction by the department of one dollar (\$1)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

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(\$35) at the time the application is submitted, which shall be returned to the applicant if the application is withdrawn not later than five (5) days prior to final submission of the application to the board, subject to deduction of five dollars (\$5), to be retained by

1 the department.

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
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:

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

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
 8 January 1 and expiring December 31, following. The
 9 certificate of renewal renders the holder a legal
 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

1 department an examination fee ~~of twenty-five dollars--(\$25)~~
 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
 4 and shall contain information desired by the board. The
 5 board shall fix a date and place for the examination of the
 6 applicant, of which notice shall be given the applicant by
 7 mail, who shall present himself at the examination. The
 8 department, subject to section 82A-1603, shall examine the
 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
 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
 24 by the board. The board may authorize the department to
 25 issue temporary certificates of registration between

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-(\$5)~~ 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 abstractor, 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 dollars-(\$5)~~ 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

1 necessary, showing that the applicant has complied with this
2 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 abstractor 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

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

4 (2) The registration fee for professional engineers is
5 ~~thirty-five fifty~~ dollars ~~{35}~~ (\$50), ~~twenty thirty~~ dollars
6 ~~{20}~~ (\$30) of which shall accompany application, the
7 remaining ~~fifteen twenty~~ dollars ~~{15}~~ (\$20) to be paid on
8 issuance of a certificate. When a certificate of
9 qualification issued by the national bureau of engineering
10 registration is accepted as evidence of qualification, the
11 total fee for registration as professional engineer is
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
15 include the cost of examination and issuance of a
16 certificate. When certification as an engineer-in-training
17 by another state, or a territory or possession of the United
18 States or country, is accepted as evidence of qualification,
19 the fee for engineer-in-training is ~~five ten~~ dollars ~~{5}~~
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
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

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:

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--{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

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
15 meet the requirements of this act and the rules of the
16 board."

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 ~~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

1 prescribed by the board until he has deposited with the
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
5 plumber or a journeyman plumber may be renewed annually,
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
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
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
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

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."

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

10 "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
 16 be held on the second Wednesday of July each year in Helena
 17 and at such other times and places as the board considers
 18 necessary."

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)~~ (\$50). ~~A person~~

1 ~~holding a license issued by the board of embalmers and~~
 2 ~~funeral directors to practice embalming on June 17, 1963 may~~
 3 ~~within two (2) years of this date, apply for and receive a~~
 4 ~~mortician's license on payment of the license fee.~~

5 (2) Failure to pay the annual license renewal fee
 6 results in automatic suspension of the license. The license
 7 may be reinstated by the payment of unpaid license renewal
 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 dollars (\$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~~
 16 ~~expiration of a license, 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~~
 19 ~~board may authorize the department to renew a license on~~
 20 ~~payment of sixty dollars (\$60) to the department. The fee~~
 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,

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

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

-End-

Approved by Committee
on State Administration

1 *House* BILL NO. *378*
2 INTRODUCED BY *Manual by Request*
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS
5 66-1228, 66-1234, 66-1236, 66-2108, 66-2110, 66-2111,
6 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 OR
9 REGISTRATION FOR APPLICANTS, LICENSEES OR REGISTRANTS OF THE
10 BOARDS OF NURSING, ABSTRACTERS, PROFESSIONAL ENGINEERS AND
11 LAND SURVEYORS, PLUMBERS, MORTICIANS, AND HEARING AID
12 DISPENSERS OF THE DEPARTMENT OF PROFESSIONAL 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
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

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
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
16 under the laws of another state, territory, or country, if
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

1 the department.

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
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:

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

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
 8 January 1 and expiring December 31, following. The
 9 certificate of renewal renders the holder a legal
 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

1 department an examination fee ~~of twenty-five dollars--(\$25)~~
 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
 4 and shall contain information desired by the board. The
 5 board shall fix a date and place for the examination of the
 6 applicant, of which notice shall be given the applicant by
 7 mail, who shall present himself at the examination. The
 8 department, subject to section 82A-1603, shall examine the
 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
 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
 24 by the board. The board may authorize the department to
 25 issue temporary certificates of registration between

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-(\$5)~~ 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 dollars-(\$5)~~ 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

1 necessary, showing that the applicant has complied with this
2 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

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

4 (2) The registration fee for professional engineers is
5 ~~thirty-five~~ fifty dollars ~~(\$35)~~ (\$50), ~~twenty~~ thirty dollars
6 ~~(\$20)~~ (\$30) of which shall accompany application, the
7 remaining ~~fifteen~~ twenty dollars ~~(\$15)~~ (\$20) to be paid on
8 issuance of a certificate. When a certificate of
9 qualification issued by the national bureau of engineering
10 registration is accepted as evidence of qualification, the
11 total fee for registration as professional engineer is
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
15 include the cost of examination and issuance of a
16 certificate. When certification as an engineer-in-training
17 by another state, or a territory or possession of the United
18 States or country, is accepted as evidence of qualification,
19 the fee for engineer-in-training is ~~five~~ ten dollars ~~(\$5)~~
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
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

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:

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--(\$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

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
15 meet the requirements of this act and the rules of the
16 board."

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 ~~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

1 prescribed by the board until he has deposited with the
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
5 plumber or a journeyman plumber may be renewed annually,
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
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
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
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

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."

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

10 "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
 16 be held on the second Wednesday of July each year in Helena
 17 and at such other times and places as the board considers
 18 necessary."

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 ~~($\$10$)~~ ($\50). ~~A person~~

1 ~~holding a license issued by the board of embalmers and~~
 2 ~~funeral directors to practice embalming on June 1, 1963 may~~
 3 ~~within two (2) years of this date, apply for and receive a~~
 4 ~~mortician's license on payment of the license fee.~~

5 (2) Failure to pay the annual license renewal fee
 6 results in automatic suspension of the license. The license
 7 may be reinstated by the payment of unpaid license renewal
 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 dollars ($\$50$)~~ 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~~
 16 ~~expiration of a license, 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~~
 19 ~~board may authorize the department to renew a license on~~
 20 ~~payment of sixty dollars ($\$60$) to the department. The fee~~
 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,

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

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

-End-

1 *House* BILL NO. *378*
 2 INTRODUCED BY *Manuel by Request*
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS
 5 66-1228, 66-1234, 66-1236, 66-2108, 66-2110, 66-2111,
 6 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 OR
 9 REGISTRATION FOR APPLICANTS, LICENSEES OR REGISTRANTS OF THE
 10 BOARDS OF NURSING, ABSTRACTERS, PROFESSIONAL ENGINEERS AND
 11 LAND SURVEYORS, PLUMBERS, MORTICIANS, AND HEARING AID
 12 DISPENSERS OF THE DEPARTMENT OF PROFESSIONAL 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
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

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
 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
 16 under the laws of another state, territory, or country, if
 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

1 the department.

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
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:

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

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
 8 January 1 and expiring December 31, following. The
 9 certificate of renewal renders the holder a legal
 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

1 department an examination fee ~~of twenty-five dollars--(\$25)~~
 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
 4 and shall contain information desired by the board. The
 5 board shall fix a date and place for the examination of the
 6 applicant, of which notice shall be given the applicant by
 7 mail, who shall present himself at the examination. The
 8 department, subject to section 82A-1603, shall examine the
 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
 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
 24 by the board. The board may authorize the department to
 25 issue temporary certificates of registration between

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 (\$5)~~ 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 abstractor, 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 dollars (\$5)~~ 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

1 necessary, showing that the applicant has complied with this
2 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 abstractor 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

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

4 (2) The registration fee for professional engineers is
5 ~~thirty-five~~ fifty dollars ~~(\$35)~~ (\$50), ~~twenty~~ thirty dollars
6 ~~(\$20)~~ (\$30) of which shall accompany application, the
7 remaining ~~fifteen~~ twenty dollars ~~(\$15)~~ (\$20) to be paid on
8 issuance of a certificate. When a certificate of
9 qualification issued by the national bureau of engineering
10 registration is accepted as evidence of qualification, the
11 total fee for registration as professional engineer is
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
15 include the cost of examination and issuance of a
16 certificate. When certification as an engineer-in-training
17 by another state, or a territory or possession of the United
18 States or country, is accepted as evidence of qualification,
19 the fee for engineer-in-training is ~~five ten~~ dollars ~~(\$5)~~
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
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

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:

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--(\$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

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
15 meet the requirements of this act and the rules of the
16 board."

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 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

1 prescribed by the board until he has deposited with the
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
5 plumber or a journeyman plumber may be renewed annually,
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
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
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
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

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."

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

10 "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
 16 be held on the second Wednesday of July each year in Helena
 17 and at such other times and places as the board considers
 18 necessary."

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)~~ (\$50). ~~A person~~

1 ~~holding a license issued by the board of embalmers and~~
 2 ~~funeral directors to practice embalming on June 1, 1963 may,~~
 3 ~~within two (2) years of this date, apply for and receive a~~
 4 ~~mortician's license on payment of the license fee.~~

5 (2) Failure to pay the annual license renewal fee
 6 results in automatic suspension of the license. The license
 7 may be reinstated by the payment of unpaid license renewal
 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 dollars (\$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~~
 16 ~~expiration of a license, 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~~
 19 ~~board may authorize the department to renew a license on~~
 20 ~~payment of sixty dollars (\$60) to the department. The fee~~
 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,

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

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

-End-

1 HOUSE BILL NO. 378

2 INTRODUCED BY MANUEL (BY REQUEST)

3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS
 5 66-1228, 66-1234, 66-1236, 66-2108, 66-2110, 66-2111,
 6 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 OR
 9 REGISTRATION FOR APPLICANTS, LICENSEES OR REGISTRANTS OF THE
 10 BOARDS OF NURSING, ABSTRACTERS, PROFESSIONAL ENGINEERS AND
 11 LAND SURVEYORS, PLUMBERS, MORTICIANS, AND HEARING AID
 12 DISPENSERS OF THE DEPARTMENT OF PROFESSIONAL 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
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

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
 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
 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

1 the department.

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
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:

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~~ 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

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
 8 January 1 and expiring December 31, following. The
 9 certificate of renewal renders the holder a legal
 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

1 department an examination fee ~~of twenty-five dollars--(\$25)~~
 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
 4 and shall contain information desired by the board. The
 5 board shall fix a date and place for the examination of the
 6 applicant, of which notice shall be given the applicant by
 7 mail, who shall present himself at the examination. The
 8 department, subject to section 82A-1603, shall examine the
 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
 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
 24 by the board. The board may authorize the department to
 25 issue temporary certificates of registration between

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--(\$5)~~ 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 abstractor, 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 dollars--(\$5)~~ 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

1 necessary, showing that the applicant has complied with this
2 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 abstractor 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

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

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

13 (3) The fee for engineer-in-training is twenty dollars
 14 (\$20), which shall accompany the application and shall
 15 include the cost of examination and issuance of a
 16 certificate. When certification as an engineer-in-training
 17 by another state, or a territory or possession of the United
 18 States or country, is accepted as evidence of qualification,
 19 the fee for engineer-in-training is ~~five~~ ten ~~dollars~~ dollars ~~(\$5)~~
 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~~ 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~~ thirty ~~fifty~~ thirty dollars ~~(\$35)~~ (\$30), which shall accompany

1 the application. The fee for registration as both a
 2 professional engineer and land surveyor is ~~fifty~~ thirty ~~seventy~~ thirty
 3 dollars ~~(\$50)~~ (\$30), ~~thirty-five~~ thirty ~~fifty~~ thirty dollars ~~(\$35)~~ (\$30)
 4 of which shall accompany the application, the remaining
 5 ~~fifteen~~ twenty ~~twenty~~ 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:

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~~ of ten
 21 ~~dollars-(\$10)~~ dollars-(\$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

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
 15 meet the requirements of this act and the rules of the
 16 board."

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 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

1 prescribed by the board until he has deposited with the
 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
 5 plumber or a journeyman plumber may be renewed annually,
 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
 10 a renewal of a master plumber's license, and ~~ten--dollars~~
 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
 16 be approved by the board, or cash in the amount of five
 17 thousand dollars (\$5,000) to insure the faithful performance
 18 of his duties arising out of the state plumbing code or this
 19 chapter."

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

22 "66-2707. Funeral directing. The practice of funeral
 23 directing is prohibited by anyone who does not hold a
 24 funeral director's license or a mortician's license issued
 25 by the department. A person licensed to practice funeral

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

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

11 "66-2709. Examination for morticians. A person
 12 possessing the necessary qualifications may apply to the
 13 department for a license and on payment of an application
 14 ~~fee of twenty-five dollars (\$25)~~ as set by the board but not
 15 to exceed seventy-five dollars (\$75), may take the
 16 examination prescribed by the board. The examination shall
 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 66-2711, 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

1 but may not exceed ~~ten~~ fifty dollars ~~(\$10)~~ (\$50). A person
 2 ~~holding a license issued by the board of embalmers and~~
 3 ~~funeral directors to practice embalming on June 1, 1963 may~~
 4 ~~within two (2) years of this date, apply for and receive a~~
 5 ~~mortician's license on payment of the license fee.~~

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 license 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
 16 license. ~~A thirty (30) day grace period is allowed after~~
 17 ~~expiration of a license, 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 (\$60) to the department. 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
 25 delayed renewal shall not exceed twice the normal renewal

1 fee as set by the board. A person who applies for renewal,
2 whose license was suspended for failure to renew, is not
3 required to submit to an examination as a condition of
4 renewal for a three (3) year period after suspension."

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

-End-