

SENATE BILL 282

IN THE SENATE

January 29, 1979

Introduced and referred to
Committee on Judiciary.

February 12, 1979

Committee recommend bill,
do not pass.

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Sen. Blaylock BILL NO. *282*

INTRODUCED BY _____

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 75-10-541, MCA, TO DELETE THE PROVISION WHICH ALLOWS THE COUNTY ATTORNEY TO SUE TO ENJOIN THE OPERATION OF A MOTOR VEHICLE WRECKING FACILITY OR GRAVEYARD UNDER CERTAIN CONDITIONS AND TO ALLOW A LICENSED MOTOR VEHICLE WRECKING FACILITY TO BRING AN ACTION IN ITS OWN NAME WHEN THE DEPARTMENT FAILS TO BRING AN ACTION."

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

Section 1. Section 75-10-541, MCA, is amended to read:

"75-10-541. Injunction -- action to collect civil penalty. (1) The department, through the attorney general or ~~the county attorney of the county in which a facility is located,~~ may sue to enjoin the operation or maintenance of a motor vehicle wrecking facility or graveyard either permanently or until compliance with this part, the rules of the department, or an order issued pursuant to this part has been demonstrated.

(2) The department, through the attorney general or ~~the county attorney of the county in which a motor vehicle wrecking facility or graveyard is located,~~ may sue in district court to collect a civil penalty as provided in

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75-10-542.

~~(3) If the department fails to bring an action as provided for under subsection (1) or (2) within 90 days after a complaint has been filed with the department by a licensed motor vehicle wrecking facility alleging that a person is operating or maintaining a motor vehicle wrecking facility or graveyard in violation of this chapter, the rules of the department, or an order issued pursuant to this part, the licensed motor vehicle wrecking facility may bring such action in its own name. The licensed motor vehicle wrecking facility shall recover its reasonable attorney fees from the department. The attorney fees shall be set by the court having jurisdiction of the case, and the court may direct the department to pay such fees during the prosecution of the action or upon completion of the same. If a civil penalty is awarded, as provided for in 75-10-542, the amount of such penalty collected shall be paid over to the department."~~

-End-

-2- INTRODUCED BILL
SB 282