

House Bill 671

In The House

February 6, 1981	Introduced and referred to Committee on Business and Industry.
February 20, 1981	Committee recommend bill do pass as amended.
February 21, 1981	Bill printed and placed on members' desks. Second reading do pass.
February 24, 1981	Correctly engrossed. Third reading passed.

In The Senate

March 3, 1981	Introduced and referred to Committee on Public Health Welfare and Safety.
April 23, 1981	Died in Committee.

1 House BILL NO. 671  
 2 INTRODUCED BY Herwitz  
 3 BY REQUEST OF THE  
 4 DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL LICENSING

5  
 6 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE FEES FOR  
 7 VARIOUS BOARDS ALLOCATED TO THE DEPARTMENT OF PROFESSIONAL  
 8 AND OCCUPATIONAL LICENSING; TO PROVIDE FOR RENEWAL FEE  
 9 INCREASES FOR LICENSED OSTEOPATHIC PHYSICIANS, PODIATRISTS,  
 10 HEARING AID DISPENSERS, WATER WELL CONTRACTORS, AND  
 11 PSYCHOLOGISTS; TO DELETE THE REQUIREMENT THAT A PODIATRIST'S  
 12 LICENSE BE FILED WITH THE COUNTY CLERK AND RECORDER; TO  
 13 PROVIDE FOR AN EXAMINATION AND LATE RENEWAL FEE FOR LICENSED  
 14 NURSING HOME ADMINISTRATORS AND APPLICANTS; TO PROVIDE FOR  
 15 AN INCREASED RESTORATION FEE FOR CHIROPRACTORS; TO PROVIDE  
 16 FOR AN APPLICATION FEE FOR COSMETOLOGY APPLICANTS; AMENDING  
 17 SECTIONS 37-5-307, 37-6-304, 37-9-304, 37-12-323, 37-16-407,  
 18 37-17-307, 37-31-323, AND 37-43-307, MCA."

19  
 20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 21 Section 1. Section 37-5-307, MCA, is amended to read:  
 22 "37-5-307. Renewal fee. (1) A person holding a  
 23 certificate to practice under this chapter and who is in  
 24 active practice in this state shall before April 1 of each  
 25 year pay a renewal fee of ~~\$15~~ \$25 to the department, and a

1 person holding a certificate to practice under this chapter  
 2 who is not in active practice shall before April 1 of each  
 3 year pay a renewal fee of ~~\$7.50~~ \$17.50 to the department.  
 4 The department shall before March 15 of each year send a  
 5 notice to each person holding a valid certificate to  
 6 practice under this chapter and from whom a fee is due  
 7 stating that the fee is due.

8 (2) The certificate to practice under this chapter  
 9 automatically becomes void when the renewal fee is not paid  
 10 at the time named. However, the board may reinstate a  
 11 practitioner whose certificate has lapsed on payment of back  
 12 renewal fees or on payment of \$50 if the lapsed fees exceed  
 13 that amount."

14 Section 2. Section 37-6-304, MCA, is amended to read:  
 15 "37-6-304. Designations on license -- recording --  
 16 annual renewal fee -- display. (1) A license issued under  
 17 this chapter shall be designated as a "registered  
 18 podiatrist's license" and may not contain any abbreviations  
 19 thereof or any other designation or title, except that a  
 20 statement of limitation shall be contained in the license  
 21 referring to the licensee as a "registered  
 22 podiatrist--practice limited to the foot" so as not to  
 23 mislead the public with respect to his right to treat other  
 24 portions of the body.

25 (2) Licenses shall be recorded by the department the

1 same as other medical licenses. ~~The person receiving the~~  
 2 ~~license shall have it recorded in the office of the county~~  
 3 ~~clerk in the county in which he resides, and the record~~  
 4 ~~shall be endorsed on it. If the person licensed moves to~~  
 5 ~~another county to practice, he shall record the license in~~  
 6 ~~the same manner in the county into which he moves, and the~~  
 7 ~~county clerk is entitled to charge and receive the usual fee~~  
 8 ~~for making this record.~~

9 (3) A license renewal fee set by the board in an  
 10 amount not to exceed ~~\$25~~ \$50 shall be paid annually on July  
 11 1 of each year, and if not paid within 3 months, the license  
 12 shall be revoked and may be reissued only on original  
 13 application and payment of a fee of \$35.

14 (4) Licenses shall be conspicuously displayed by  
 15 podiatrists at their offices or other places of practice."

16 Section 3. Section 37-9-304, MCA, is amended to read:

17 "37-9-304. Fees. (1) Each person who applies for  
 18 licensure, whether by waiver, examination, or reciprocity,  
 19 shall be required to pay a fee of \$25 at the time of  
 20 application. Each person requiring an examination shall pay  
 21 an additional fee for the examination, set by the board,  
 22 that is commensurate with costs.

23 (2) Each person licensed as a nursing home  
 24 administrator shall be required to pay a license fee in an  
 25 amount to be fixed by the board, not to exceed \$100. A

1 license shall expire on December 31 in the year for which it  
 2 is issued and shall be renewable annually upon timely  
 3 payment of the license fee.

4 (3) Each person registered as an inactive nursing home  
 5 administrator shall be required to pay a registration fee in  
 6 the amount of not more than \$25. An inactive registration  
 7 shall expire on December 31 in the year for which it is  
 8 issued and shall be renewable annually upon timely payment  
 9 of the inactive registration fee.

10 (4) The fee for issuing a duplicate license shall be  
 11 \$10.

12 (5) A late fee shall be charged for failure to pay the  
 13 license or registration fee or failure to complete  
 14 continuing education requirements on or before December 1  
 15 annually. The late fee shall be an amount equal to 10% of  
 16 the annual license or registration fee per month or major  
 17 portion of a month that the fee is not paid or the  
 18 continuing education requirement is not completed."

19 Section 4. Section 37-12-323, MCA, is amended to read:

20 "37-12-323. Reconsideration of board action -- fee for  
 21 restoration of license. (1) At any time after refusal,  
 22 suspension, or revocation of license or placement on  
 23 probation or any other disciplinary action, the board may,  
 24 on its own motion or on application, reconsider its prior  
 25 action and reverse, rescind, or modify such action.

1 (2) A person whose license has been revoked and later  
2 restored shall pay a fee of ~~\$50~~ \$150 for the restoration."

3 Section 5. Section 37-16-407, MCA, is amended to read:

4 "37-16-407. Renewal of license -- fee. A person who  
5 practices the fitting of hearing aids shall annually pay to  
6 the department a fee, not to exceed ~~\$80~~ \$100, as set by the  
7 board for a renewal of his license. The fee shall be  
8 increased 10% for each month or major portion thereof that  
9 the payment of the renewal fee is delayed after the  
10 expiration date. The maximum fee for a delayed renewal  
11 shall not exceed twice the normal renewal fee as set by the  
12 board. A person applying for renewal whose license was  
13 suspended for failure to renew is not required to submit to  
14 an examination as a condition of renewal for a 3-year period  
15 after suspension."

16 Section 6. Section 37-17-307, MCA, is amended to read:

17 "37-17-307. Fees -- deposit of fees. (1) The  
18 department shall collect the following fees, none of which  
19 is refundable:

20 (a) application fee, \$25 to \$50;

21 (b) examination fee, an amount commensurate with the  
22 charge of the professional examination service and  
23 administrative costs of the department and as set by the  
24 board;

25 (c) certificate fee, \$10;

1 (d) renewal fee, ~~\$20~~ \$40 to ~~\$50~~ \$100.

2 (2) The board may set the application fee and the  
3 annual renewal fee annually within the above limits.

4 (3) The initial certificate fee shall be prorated as  
5 follows:

6 (a) if the certificate is issued between January 2 and  
7 March 31, \$10;

8 (b) if the certificate is issued between April 1 and  
9 June 30, \$7.50;

10 (c) if the certificate is issued between July 1 and  
11 September 30, \$5;

12 (d) if the certificate is issued between October 1 and  
13 January 1, \$2.50.

14 (4) Renewal certificates shall be secured annually and  
15 dated January 2.

16 (5) Fees received by the department shall be deposited  
17 in the earmarked revenue fund for the use of the board,  
18 subject to 37-1-101(6)."

19 Section 7. Section 37-31-323, MCA, is amended to read:

20 "37-31-323. Fees. (1) Fees for licenses and  
21 certificates of registration shall be paid to the department  
22 not to exceed the following respective amounts prescribed by  
23 the board:

24 (a) A student enrolling in a registered cosmetology  
25 school shall pay a registration fee of \$7 to the department.

1 (b) An applicant for examination to practice shall pay  
2 a fee of \$40 at the time of the application.

3 (c) An applicant for examination who is a graduate  
4 from a cosmetology school of this state may pay a fee of \$8  
5 for a temporary license to practice as an operator.

6 (d) An applicant for examination to teach shall pay a  
7 fee of \$60 at the time of the application.

8 (e) A person practicing cosmetology as an operator  
9 shall pay a fee of \$12 for the issuance of a license.

10 (f) An applicant for a manager-operator license shall  
11 pay a fee of \$20 for the issuance of a license.

12 (g) An applicant for an itinerant license as a  
13 cosmetologist shall pay a fee of \$100.

14 (h) A person, firm, partnership, or corporation  
15 owning, operating, or conducting a cosmetological salon  
16 shall pay the sum of \$20 for the issuance of the certificate  
17 of registration.

18 (i) A person teaching or instructing cosmetology shall  
19 pay a fee of \$20 for the issuance of a license.

20 (j) A person, firm, partnership, or corporation  
21 owning, operating, or conducting a school of cosmetology  
22 shall pay the sum of \$100 for a certificate of registration.

23 (k) A person, firm, partnership, or corporation  
24 owning, operating, or conducting an advanced school of  
25 cosmetology shall pay the sum of \$100 for a certificate of

1 registration.

2 (l) A person, firm, partnership, or corporation  
3 owning, operating, or conducting a teacher-training unit in  
4 a school of cosmetology shall pay the sum of \$100 for a  
5 certificate of registration.

6 (m) An applicant for reciprocity licensure shall pay a  
7 fee of \$100.

8 (n) Duplicate licenses or certificates of registration  
9 shall be issued on payment of \$4 and proof of necessity.

10 ~~(o) In any category, the board may provide for a~~  
11 ~~separate application fee not to exceed \$10. The application~~  
12 ~~fee is nonrefundable.~~

13 (2) The license and registration fees shall be paid  
14 annually, unless otherwise provided by board rule, in  
15 advance to the department.

16 (3) No other or additional license or registration fee  
17 may be imposed by a municipal corporation or other political  
18 subdivision of this state for the practice or teaching of  
19 cosmetology."

20 Section 8. Section 37-43-307, MCA, is amended to read:

21 "37-43-307. Annual renewal. -- fee -- revocation for  
22 nonrenewal. (1) The term for licenses issued under this  
23 chapter is from July 1 of each year through the following  
24 June 30. After the payment of the initial fee under  
25 37-43-303, a licensee shall pay, before the first day of

1 each license year, a renewal fee of ~~\$25~~ as set by the board,  
 2 not to exceed \$50.

3 (2) If a licensee does not apply for renewal of his  
 4 license before the first day of a license year and remit to  
 5 the department the renewal fee, he shall have his license  
 6 suspended by the board. If the license remains suspended for  
 7 a period of more than 30 days after the first day of a  
 8 license year, it shall be revoked by the board. However, the  
 9 department, prior to this revocation, shall notify the  
 10 licensee of the board's intention to revoke at least 10 days  
 11 prior to the time set for action to be taken by the board on  
 12 the license, by mailing notice to the licensee at the  
 13 address appearing for the licensee in the records and files  
 14 of the department. A license once revoked may not be  
 15 reinstated unless it appears that an injustice has occurred  
 16 indicating to the board that the licensee was not guilty of  
 17 negligence or laches. If a person whose license has been  
 18 revoked through his own fault desires to engage in the  
 19 business of water well drilling in this state or contracting  
 20 therefor, he must apply under 37-43-303 and 37-43-304.  
 21 Notice of suspension shall be given a licensee when the  
 22 suspension occurs."

23 Section 9. Coordination with Bill [LC 1288]. If  
 24 Bill [LC 1288], introduced in the 47th legislature is  
 25 passed and approved, all of this act, except that portion of

1 section 2 or such other section of this act that deletes  
 2 subsection (2) of section 37-6-304, MCA, is void and of no  
 3 effect.

-End-

Approved by Committee  
on Business and Industry

1 HOUSE BILL NO. 671  
2 INTRODUCED BY HURWITZ  
3 BY REQUEST OF THE  
4 DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL LICENSING  
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16 FOR AN APPLICATION FEE FOR COSMETOLOGY APPLICANTS; AMENDING  
17 SECTIONS 37-5-307, 37-6-304, 37-9-304, 37-12-323, 37-16-407,  
18 37-17-307, 37-31-323, AND 37-43-307, MCA."  
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20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
21 Section 1. Section 37-5-307, MCA, is amended to read:  
22 "37-5-307. Renewal fee. (1) A person holding a  
23 certificate to practice under this chapter and who is in  
24 active practice in this state shall before April 1 of each  
25 year pay a renewal fee of ~~\$15~~ \$25 to the department, and a

1 person holding a certificate to practice under this chapter  
2 who is not in active practice shall before April 1 of each  
3 year pay a renewal fee of ~~\$7.50~~ \$17.50 to the department.  
4 The department shall before March 15 of each year send a  
5 notice to each person holding a valid certificate to  
6 practice under this chapter and from whom a fee is due  
7 stating that the fee is due.  
8 (2) The certificate to practice under this chapter  
9 automatically becomes void when the renewal fee is not paid  
10 at the time named. However, the board may reinstate a  
11 practitioner whose certificate has lapsed on payment of back  
12 renewal fees or on payment of \$50 if the lapsed fees exceed  
13 that amount."  
14 Section 2. Section 37-6-304, MCA, is amended to read:  
15 "37-6-304. Designations on license -- recording --  
16 annual renewal fee -- display. (1) A license issued under  
17 this chapter shall be designated as a "registered  
18 podiatrist's license" and may not contain any abbreviations  
19 thereof or any other designation or title, except that a  
20 statement of limitation shall be contained in the license  
21 referring to the licensee as a "registered  
22 podiatrist--practice limited to the foot" so as not to  
23 mislead the public with respect to his right to treat other  
24 portions of the body.  
25 (2) Licenses shall be recorded by the department the

1 same as other medical licenses. ~~The person receiving the~~  
 2 ~~license shall have it recorded in the office of the county~~  
 3 ~~clerk in the county in which he resides, and the record~~  
 4 ~~shall be endorsed on it, if the person licensed moves to~~  
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 6 ~~the same manner in the county into which he moves, and the~~  
 7 ~~county clerk is entitled to charge and receive the usual fee~~  
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9 (3) A license renewal fee set by the board in an  
 10 amount not to exceed \$25 ~~\$50~~ shall be paid annually on July  
 11 1 of each year, and if not paid within 3 months, the license  
 12 shall be revoked and may be reissued only on original  
 13 application and payment of a fee of \$35.

14 (4) Licenses shall be conspicuously displayed by  
 15 podiatrists at their offices or other places of practice."

16 Section 3. Section 37-9-304, MCA, is amended to read:

17 "37-9-304. Fees. (1) Each person who applies for  
 18 licensure, whether by waiver, examination, or reciprocity,  
 19 shall be required to pay a fee of \$25 at the time of  
 20 application. ~~Each person requiring an examination shall pay~~  
 21 ~~an additional fee for the examination, set by the board,~~  
 22 ~~that is commensurate with costs.~~

23 (2) Each person licensed as a nursing home  
 24 administrator shall be required to pay a license fee in an  
 25 amount to be fixed by the board, not to exceed \$100. A

1 license shall expire on December 31 in the year for which it  
 2 is issued and shall be renewable annually upon timely  
 3 payment of the license fee.

4 (3) Each person registered as an inactive nursing home  
 5 administrator shall be required to pay a registration fee in  
 6 the amount of not more than \$25. An inactive registration  
 7 shall expire on December 31 in the year for which it is  
 8 issued and shall be renewable annually upon timely payment  
 9 of the inactive registration fee.

10 (4) The fee for issuing a duplicate license shall be  
 11 \$10.

12 (5) A late fee shall be charged for failure to pay the  
 13 license or registration fee or failure to complete  
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 16 the annual license or registration fee per month or major  
 17 portion of a month that the fee is not paid or the  
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19 Section 4. Section 37-12-323, MCA, is amended to read:

20 "37-12-323. Reconsideration of board action -- fee for  
 21 restoration of license. (1) At any time after refusal,  
 22 suspension, or revocation of license or placement on  
 23 probation or any other disciplinary action, the board may,  
 24 on its own motion or on application, reconsider its prior  
 25 action and reverse, rescind, or modify such action.



1 (2) A person whose license has been revoked and later  
 2 restored shall pay a fee of \$50 \$150 for the restoration."

3 Section 5. Section 37-16-407, MCA, is amended to read:

4 "37-16-407. Renewal of license -- fee. A person who  
 5 practices the fitting of hearing aids shall annually pay to  
 6 the department a fee, not to exceed ~~\$80~~ \$100, as set by the  
 7 board for a renewal of his license. The fee shall be  
 8 increased 10% for each month or major portion thereof that  
 9 the payment of the renewal fee is delayed after the  
 10 expiration date. The maximum fee for a delayed renewal  
 11 shall not exceed twice the normal renewal fee as set by the  
 12 board. A person applying for renewal whose license was  
 13 suspended for failure to renew is not required to submit to  
 14 an examination as a condition of renewal for a 3-year period  
 15 after suspension."

16 Section 6. Section 37-17-307, MCA, is amended to read:

17 "37-17-307. Fees -- deposit of fees. (1) The  
 18 department shall collect the following fees, none of which  
 19 is refundable:

20 (a) application fee, \$25 to \$50;

21 (b) examination fee, an amount commensurate with the  
 22 charge of the professional examination service and  
 23 administrative costs of the department and as set by the  
 24 board;

25 (c) certificate fee, \$10;

1 (d) renewal fee, ~~\$20~~ \$40 to ~~\$50~~ \$100.

2 (2) The board may set the application fee and the  
 3 annual renewal fee annually within the above limits.

4 (3) The initial certificate fee shall be prorated as  
 5 follows:

6 (a) if the certificate is issued between January 2 and  
 7 March 31, \$10;

8 (b) if the certificate is issued between April 1 and  
 9 June 30, \$7.50;

10 (c) if the certificate is issued between July 1 and  
 11 September 30, \$5;

12 (d) if the certificate is issued between October 1 and  
 13 January 1, \$2.50.

14 (4) Renewal certificates shall be secured annually and  
 15 dated January 2.

16 (5) Fees received by the department shall be deposited  
 17 in the earmarked revenue fund for the use of the board,  
 18 subject to 37-1-101(6)."

19 Section 7. Section 37-31-323, MCA, is amended to read:

20 "37-31-323. Fees. (1) Fees for licenses and  
 21 certificates of registration shall be paid to the department  
 22 not to exceed the following respective amounts prescribed by  
 23 the board:

24 (a) A student enrolling in a registered cosmetology  
 25 school shall pay a registration fee of \$7 to the department.

1 (b) An applicant for examination to practice shall pay  
2 a fee of \$40 at the time of the application.

3 (c) An applicant for examination who is a graduate  
4 from a cosmetology school of this state may pay a fee of \$8  
5 for a temporary license to practice as an operator.

6 (d) An applicant for examination to teach shall pay a  
7 fee of \$60 at the time of the application.

8 (e) A person practicing cosmetology as an operator  
9 shall pay a fee of \$12 for the issuance of a license.

10 (f) An applicant for a manager-operator license shall  
11 pay a fee of \$20 for the issuance of a license.

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13 cosmetologist shall pay a fee of \$100.

14 (h) A person, firm, partnership, or corporation  
15 owning, operating, or conducting a cosmetological salon  
16 shall pay the sum of \$20 for the issuance of the certificate  
17 of registration.

18 (i) A person teaching or instructing cosmetology shall  
19 pay a fee of \$20 for the issuance of a license.

20 (j) A person, firm, partnership, or corporation  
21 owning, operating, or conducting a school of cosmetology  
22 shall pay the sum of \$100 for a certificate of registration.

23 (k) A person, firm, partnership, or corporation  
24 owning, operating, or conducting an advanced school of  
25 cosmetology shall pay the sum of \$100 for a certificate of

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2 (l) A person, firm, partnership, or corporation  
3 owning, operating, or conducting a teacher-training unit in  
4 a school of cosmetology shall pay the sum of \$100 for a  
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8 (n) Duplicate licenses or certificates of registration  
9 shall be issued on payment of \$4 and proof of necessity.

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11 separate application fee not to exceed \$10. The application  
12 fee is nonrefundable.

13 (2) The license and registration fees shall be paid  
14 annually, unless otherwise provided by board rule, in  
15 advance to the department.

16 (3) No other or additional license or registration fee  
17 may be imposed by a municipal corporation or other political  
18 subdivision of this state for the practice or teaching of  
19 cosmetology.\*

20 Section 8. Section 37-43-307, MCA, is amended to read:

21 "37-43-307. Annual renewal -- fee -- revocation for  
22 nonrenewal. (1) The term for licenses issued under this  
23 chapter is from July 1 of each year through the following  
24 June 30. After the payment of the initial fee under  
25 37-43-303, a licensee shall pay, before the first day of

1 each license year, a renewal fee ~~of \$25 as set by the board,~~  
 2 not to exceed \$50.

3 (2) If a licensee does not apply for renewal of his  
 4 license before the first day of a license year and remit to  
 5 the department the renewal fee, he shall have his license  
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 21 Notice of suspension shall be given a licensee when the  
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23 Section 9. Coordination with Bill [LC 1288]. If  
 24 Bill [LC 1288], introduced in the 47th legislature is  
 25 passed and approved, all of this act, except that portion of

1 section 2 or such other section of this act that deletes  
 2 subsection (2) of section 37-6-304, MCA, AND SECTION 8 OR  
 3 SUCH OTHER SECTION OF THIS ACT THAT AMENDS SECTION  
 4 37-43-307, MCA, is void and of no effect.

-End-

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 20 statement of limitation shall be contained in the license  
 21 referring to the licensee as a "registered  
 22 podiatrist--practice limited to the foot" so as not to  
 23 mislead the public with respect to his right to treat other  
 24 portions of the body.

25 (2) Licenses shall be recorded by the department the

1 same as other medical licenses. ~~the person receiving the~~  
 2 ~~license shall have it recorded in the office of the county~~  
 3 ~~clerk in the county in which he resides, and the record~~  
 4 ~~shall be endorsed on it. If the person licensed moves to~~  
 5 ~~another county to practice, he shall record the license in~~  
 6 ~~the same manner in the county into which he moves, and the~~  
 7 ~~county clerk is entitled to charge and receive the usual fee~~  
 8 ~~for making this record.~~

9 (3) A license renewal fee set by the board in an  
 10 amount not to exceed \$25 ~~\$50~~ shall be paid annually on July  
 11 1 of each year, and if not paid within 3 months, the license  
 12 shall be revoked and may be reissued only on original  
 13 application and payment of a fee of \$35.

14 (4) Licenses shall be conspicuously displayed by  
 15 podiatrists at their offices or other places of practice."

16 Section 3. Section 37-9-304, MCA, is amended to read:

17 "37-9-304. Fees. (1) Each person who applies for  
 18 licensure, whether by waiver, examination, or reciprocity,  
 19 shall be required to pay a fee of \$25 at the time of  
 20 application. Each person requiring an examination shall pay  
 21 an additional fee for the examination, set by the board,  
 22 that is commensurate with costs.

23 (2) Each person licensed as a nursing home  
 24 administrator shall be required to pay a license fee in an  
 25 amount to be fixed by the board, not to exceed \$100. A

1 license shall expire on December 31 in the year for which it  
 2 is issued and shall be renewable annually upon timely  
 3 payment of the license fee.

4 (3) Each person registered as an inactive nursing home  
 5 administrator shall be required to pay a registration fee in  
 6 the amount of not more than \$25. An inactive registration  
 7 shall expire on December 31 in the year for which it is  
 8 issued and shall be renewable annually upon timely payment  
 9 of the inactive registration fee.

10 (4) The fee for issuing a duplicate license shall be  
 11 \$10.

12 (5) A late fee shall be charged for failure to pay the  
 13 license or registration fee or failure to complete  
 14 continuing education requirements on or before December 1  
 15 annually. The late fee shall be an amount equal to 10% of  
 16 the annual license or registration fee per month or major  
 17 portion of a month that the fee is not paid or the  
 18 continuing education requirement is not completed."

19 Section 4. Section 37-12-323, MCA, is amended to read:

20 "37-12-323. Reconsideration of board action -- fee for  
 21 restoration of license. (1) At any time after refusal,  
 22 suspension, or revocation of license or placement on  
 23 probation or any other disciplinary action, the board may,  
 24 on its own motion or on application, reconsider its prior  
 25 action and reverse, rescind, or modify such action.

1 (2) A person whose license has been revoked and later  
2 restored shall pay a fee of \$50 \$150 for the restoration."

3 Section 5. Section 37-16-407, MCA, is amended to read:

4 "37-16-407. Renewal of license -- fee. A person who  
5 practices the fitting of hearing aids shall annually pay to  
6 the department a fee, not to exceed ~~\$80~~ \$100, as set by the  
7 board for a renewal of his license. The fee shall be  
8 increased 10% for each month or major portion thereof that  
9 the payment of the renewal fee is delayed after the  
10 expiration date. The maximum fee for a delayed renewal  
11 shall not exceed twice the normal renewal fee as set by the  
12 board. A person applying for renewal whose license was  
13 suspended for failure to renew is not required to submit to  
14 an examination as a condition of renewal for a 3-year period  
15 after suspension."

16 Section 6. Section 37-17-307, MCA, is amended to read:

17 "37-17-307. Fees -- deposit of fees. (1) The  
18 department shall collect the following fees, none of which  
19 is refundable:

- 20 (a) application fee, \$25 to \$50;
- 21 (b) examination fee, an amount commensurate with the  
22 charge of the professional examination service and  
23 administrative costs of the department and as set by the  
24 board;
- 25 (c) certificate fee, \$10;

1 (d) renewal fee, ~~\$20~~ \$40 to ~~\$50~~ \$100.

2 (2) The board may set the application fee and the  
3 annual renewal fee annually within the above limits.

4 (3) The initial certificate fee shall be prorated as  
5 follows:

6 (a) if the certificate is issued between January 2 and  
7 March 31, \$10;

8 (b) if the certificate is issued between April 1 and  
9 June 30, \$7.50;

10 (c) if the certificate is issued between July 1 and  
11 September 30, \$5;

12 (d) if the certificate is issued between October 1 and  
13 January 1, \$2.50.

14 (4) Renewal certificates shall be secured annually and  
15 dated January 2.

16 (5) Fees received by the department shall be deposited  
17 in the earmarked revenue fund for the use of the board,  
18 subject to 37-1-101(6)."

19 Section 7. Section 37-31-323, MCA, is amended to read:

20 "37-31-323. Fees. (1) Fees for licenses and  
21 certificates of registration shall be paid to the department  
22 not to exceed the following respective amounts prescribed by  
23 the board:

24 (a) A student enrolling in a registered cosmetology  
25 school shall pay a registration fee of \$7 to the department.

1 (b) An applicant for examination to practice shall pay  
2 a fee of \$40 at the time of the application.

3 (c) An applicant for examination who is a graduate  
4 from a cosmetology school of this state may pay a fee of \$8  
5 for a temporary license to practice as an operator.

6 (d) An applicant for examination to teach shall pay a  
7 fee of \$60 at the time of the application.

8 (e) A person practicing cosmetology as an operator  
9 shall pay a fee of \$12 for the issuance of a license.

10 (f) An applicant for a manager-operator license shall  
11 pay a fee of \$20 for the issuance of a license.

12 (g) An applicant for an itinerant license as a  
13 cosmetologist shall pay a fee of \$100.

14 (h) A person, firm, partnership, or corporation  
15 owning, operating, or conducting a cosmetological salon  
16 shall pay the sum of \$20 for the issuance of the certificate  
17 of registration.

18 (i) A person teaching or instructing cosmetology shall  
19 pay a fee of \$20 for the issuance of a license.

20 (j) A person, firm, partnership, or corporation  
21 owning, operating, or conducting a school of cosmetology  
22 shall pay the sum of \$100 for a certificate of registration.

23 (k) A person, firm, partnership, or corporation  
24 owning, operating, or conducting an advanced school of  
25 cosmetology shall pay the sum of \$100 for a certificate of

1 registration.

2 (l) A person, firm, partnership, or corporation  
3 owning, operating, or conducting a teacher-training unit in  
4 a school of cosmetology shall pay the sum of \$100 for a  
5 certificate of registration.

6 (m) An applicant for reciprocity licensure shall pay a  
7 fee of \$100.

8 (n) Duplicate licenses or certificates of registration  
9 shall be issued on payment of \$4 and proof of necessity.

10 (o) In any category, the board may provide for a  
11 separate application fee not to exceed \$10. The application  
12 fee is nonrefundable.

13 (2) The license and registration fees shall be paid  
14 annually, unless otherwise provided by board rules, in  
15 advance to the department.

16 (3) No other or additional license or registration fee  
17 may be imposed by a municipal corporation or other political  
18 subdivision of this state for the practice or teaching of  
19 cosmetology."

20 Section 8. Section 37-43-307, MCA, is amended to read:

21 "37-43-307. Annual renewal -- fee -- revocation for  
22 nonrenewal. (1) The term for licenses issued under this  
23 chapter is from July 1 of each year through the following  
24 June 30. After the payment of the initial fee under  
25 37-43-303, a licensee shall pay, before the first day of

1 each license year, a renewal fee of ~~425~~ as set by the board,  
 2 not to exceed \$50.

3 (2) If a licensee does not apply for renewal of his  
 4 license before the first day of a license year and remit to  
 5 the department the renewal fee, he shall have his license  
 6 suspended by the board. If the license remains suspended for  
 7 a period of more than 30 days after the first day of a  
 8 license year, it shall be revoked by the board. However, the  
 9 department, prior to this revocation, shall notify the  
 10 licensee of the board's intention to revoke at least 10 days  
 11 prior to the time set for action to be taken by the board on  
 12 the license, by mailing notice to the licensee at the  
 13 address appearing for the licensee in the records and files  
 14 of the department. A license once revoked may not be  
 15 reinstated unless it appears that an injustice has occurred  
 16 indicating to the board that the licensee was not guilty of  
 17 negligence or laches. If a person whose license has been  
 18 revoked through his own fault desires to engage in the  
 19 business of water well drilling in this state or contracting  
 20 therefor, he must apply under 37-43-303 and 37-43-304.  
 21 Notice of suspension shall be given a licensee when the  
 22 suspension occurs."

23 Section 9. Coordination with \_\_\_Bill\_\_\_ [LC 1288]. If  
 24 \_\_\_Bill\_\_\_ [LC 1288], introduced in the 47th legislature is  
 25 passed and approved, all of this act, except that portion of

1 section 2 or such other section of this act that deletes  
 2 subsection (2) of section 37-6-304, MCA, AND SECTION 8 OR  
 3 SUCH OTHER SECTION OF THIS ACT THAT AMENDS SECTION  
 4 37-43-307, MCA, is void and of no effect.

-End-