

SENATE BILL NO. 412

INTRODUCED BY S. BROWN, HIMSL

BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE

IN THE SENATE

February 9, 1981	Introduced and referred to Committee on Taxation.  Fiscal note requested.
February 16, 1981	Fiscal note returned.
February 21, 1981	Committee recommend bill do pass. Report adopted.  Statement of Intent attached.
February 23, 1981	Bill printed and placed on members' desks.
February 24, 1981	Second reading, do pass as amended.
February 25, 1981	On motion rules suspended. Bill placed on calendar for third reading this day.  Third reading, passed. Ayes, 37; Noes, 12. Transmitted to House.

IN THE HOUSE

March 3, 1981	Introduced and referred to Committee on State Administration.
March 19, 1981	Committee recommend bill be concurred in. Report adopted.

March 27, 1981

Second reading, concurred in.

March 30, 1981

On motion rules suspended.  
Bill allowed to be transmitted  
on 71st legislative day.  
Motion adopted.

March 31, 1981

Third reading, concurred in.  
Ayes, 89; Noes, 9.

#### IN THE SENATE

April 1, 1981

Returned from House.  
Concurred in. Sent to  
enrolling.

Reported correctly enrolled.

1 *Steve Brown* BILL NO. *412*  
 2 INTRODUCED BY *STEVE BROWN*  
 3 BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE

4  
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO AUTHORIZE AND  
 6 REQUIRE LICENSING BOARDS WITHIN THE DEPARTMENT OF  
 7 PROFESSIONAL AND OCCUPATIONAL LICENSING TO ESTABLISH FEE  
 8 SCHEDULES THAT SET FEES REASONABLY COMMENSURATE WITH THE  
 9 COSTS INCURRED IN ADMINISTERING THE VARIOUS PROGRAM AREAS  
 10 WITHIN THEIR JURISDICTION; AND AMENDING SECTIONS 37-3-308,  
 11 37-3-313, 37-4-303, 37-4-306, 37-4-307, 37-4-403, 37-4-404,  
 12 37-4-406, 37-5-302, 37-5-307, 37-6-302 THROUGH 37-6-304,  
 13 37-7-302, 37-7-303, 37-7-321, 37-8-406, 37-8-407, 37-8-418,  
 14 37-8-431, 37-9-304, 37-10-302, 37-10-307, 37-11-307 THROUGH  
 15 37-11-309, 37-12-302, 37-12-305, 37-12-307, 37-12-323,  
 16 37-13-302 THROUGH 37-13-306, 37-14-303, 37-14-305,  
 17 37-15-307, 37-16-402, 37-16-405, 37-16-407, 37-17-307,  
 18 37-18-307, 37-18-403, 37-18-405, 37-19-301, 37-19-303,  
 19 37-19-304, 37-19-306, 37-19-403, 37-30-307, 37-30-404,  
 20 37-30-423, 37-30-424, 37-31-312, 37-31-322, 37-31-323,  
 21 37-32-305, 37-33-302, 37-33-305, 37-33-306, 37-40-303,  
 22 37-40-304, 37-51-311, 37-67-303, 37-67-315, AND 37-68-310,  
 23 MCA."

24  
 25 WHEREAS, most fees set by professional and occupational

1 licensing boards are specified or limited in amount by law;  
 2 and

3 WHEREAS, such limitations are not necessarily serving  
 4 the purpose intended in that the fees are not related to  
 5 costs incurred and board revenues are insufficient in some  
 6 cases and excessive in others.

7 THEREFORE, it is the intent of this act to authorize  
 8 and require such licensing boards to set fees reasonable  
 9 related to the costs of administering the various programs  
 10 under their jurisdiction.

11  
 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 NEW SECTION. Section 1. Licensing boards to establish  
 14 fees commensurate with costs. All licensing boards allocated  
 15 to the department shall set fees reasonably related to the  
 16 respective program costs. Unless otherwise provided by law,  
 17 each board within the department may establish fees  
 18 including but not limited to fees for application,  
 19 examination, renewal, reciprocity, late renewal, and  
 20 continuing education. Each board shall maintain records  
 21 sufficient to support the fees charged for each program  
 22 area.

23 Section 2. Section 37-3-308, MCA, is amended to read:  
 24 "37-3-308. Examination and application fees -- further  
 25 tax forbidden. (1) An applicant for a license to practice

1 medicine to be issued on the basis of an examination by the  
2 board shall pay an examination fee as set by the board. The  
3 board shall set the fee, and it shall be reasonable and  
4 commensurate with the costs of the examination and related  
5 costs. Such examination fee shall be in addition to the  
6 application fee.

7 (2) All applicants ~~except applicants for temporary~~  
8 ~~licenses shall pay an initial application fee of \$100.~~

9 ~~(3) An applicant for a temporary license shall pay an~~  
10 ~~initial fee of \$25 and \$25 for each renewal thereof.~~  
11 including applicants for a temporary license, shall pay an  
12 initial application fee as prescribed by the board.

13 ~~(4)(3) No license tax shall be imposed upon physicians~~  
14 ~~by a municipality or any other subdivision of the state."~~

15 Section 3. Section 37-3-313, MCA, is amended to read:

16 "37-3-313. Annual registration fees -- failure to pay  
17 -- limiting authority to impose registration fees. (1) In  
18 addition to the license fees required of applicants, a  
19 licensed physician actively practicing medicine in this  
20 state shall pay each year to the department an annual  
21 registration fee ~~not to exceed the sum of \$100,~~ as  
22 prescribed by the board. If a person licensed to practice  
23 medicine absents himself from the state for a period of 1 or  
24 more years or does not engage in active practice in this  
25 state, he may continue his license in good standing by

1 payment each year of a fee prescribed by the board in an  
2 ~~amount not to exceed \$50~~ or, at the discretion of the board,  
3 he may be reinstated on the payment of ~~a fee not to exceed~~  
4 \$50 prescribed by the board for each year of absence or  
5 inactive practice.

6 (2) The annual payments for registration shall be made  
7 prior to April 1, and a receipt acknowledging payment of the  
8 annual registration fee shall be issued by the department.  
9 The department shall mail registration notices at least 60  
10 days before the registration is due.

11 (3) In case of default in the payment of the annual  
12 registration fee by a person licensed to practice medicine  
13 who is actively practicing medicine in this state, his  
14 underlying certificate to practice medicine may be revoked  
15 by the board on 30 days' notice given to the delinquent of  
16 the time and place of considering the revocation. A  
17 registered or certified letter addressed to the last-known  
18 address of the person failing to comply with the  
19 requirements of annual registration, as the address appears  
20 on the records of the department, constitutes sufficient  
21 notice of intention to revoke his underlying certificate. No  
22 certificate may be revoked for nonpayment if the person  
23 authorized to practice medicine, and notified, pays the  
24 annual registration fee before or at the time fixed for  
25 consideration of revocation, together with a delinquency

1 penalty of ~~the~~ prescribed by the board. The department may  
2 collect the dues by an action at law.

3 (4) No registration or license fee may be imposed on a  
4 licensee under this chapter by a municipality or any other  
5 subdivision of the state."

6 Section 4. Section 37-4-303, MCA, is amended to read:

7 "37-4-303. Certificate to be registered in county  
8 where practicing -- replacing lost certificate. (1) The  
9 certificate under this chapter entitles the holder to  
10 practice dentistry in any county in this state if the  
11 certificate is first filed for registration and registered  
12 in the office of the county clerk and recorder of the county  
13 in which the holder desires to practice. This chapter does  
14 not permit a holder of a certificate to practice in a county  
15 in this state unless the certificate has been first  
16 registered in the office of the clerk and recorder of the  
17 county. A holder of a certificate may practice in more than  
18 one or in any number of counties in this state on having the  
19 certificate registered in each of the counties in which the  
20 holder desires to practice.

21 (2) The department shall, on proof satisfactory to the  
22 board of the loss of a certificate issued under this  
23 chapter, issue a duplicate certificate, and a fee of ~~the~~ as  
24 prescribed by the board shall be charged for issuing the  
25 certificate."

1 Section 5. Section 37-4-306, MCA, is amended to read:

2 "37-4-306. Admission of dentists from other states --  
3 reciprocity. (1) A dentist who has been lawfully licensed to  
4 practice in another state or territory which has and  
5 maintains a standard for the practice of dentistry or dental  
6 surgery which in the opinion of the board is equal to that  
7 at the time maintained in this state, is a graduate of an  
8 accredited 4-year high school or has actual scholastic  
9 credits equivalent to a 4-year high school course, is a  
10 graduate of a recognized dental school or college, has been  
11 lawfully and continuously engaged in the practice of  
12 dentistry for 5 years or more immediately before filing his  
13 application to practice in this state, and deposits in  
14 person with the department an attested certificate from the  
15 examining board of the state or territory in which he is  
16 registered or licensed, certifying to the fact of his  
17 registration and license and of his being a person of good  
18 moral character and of professional attainments, may, on the  
19 payment of a fee of ~~the~~ as prescribed by the board, and  
20 after satisfactory practical examination demonstrating his  
21 proficiency, be granted a license to practice dentistry in  
22 this state without being required to take an examination in  
23 theory.

24 (2) However, no license may be issued to an applicant  
25 without an examination in theory unless the state or

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1 territory from which the certificate has been granted to the  
 2 applicant extends a like privilege to engage in the practice  
 3 of dentistry to dentists licensed by this state who move to  
 4 the other state. The board may enter into reciprocal  
 5 relations with similar boards of other states whose laws are  
 6 practically identical with this chapter."

7 Section 6. Section 37-4-307, MCA, is amended to read:

8 "37-4-307. Annual renewal fee -- absent registered  
 9 dentist -- default. (1) A licensed dentist practicing within  
 10 this state shall annually pay to the department before March  
 11 1, as a renewal fee for the year, a sum set by the board and  
 12 ~~not to exceed \$50. The board may increase or decrease the~~  
 13 ~~annual renewal fee to maintain in the earmarked revenue fund~~  
 14 ~~at all times an amount, to be known as the emergency fund,~~  
 15 ~~to be used for the purpose of administering, policing, and~~  
 16 ~~enforcing this chapter. The emergency fund shall be~~  
 17 ~~maintained at an approximate level of \$2,500.~~ Notice of the  
 18 change in the amount of renewal fees shall be given to each  
 19 dentist registered in this state by the department.

20 (2) If a registered dentist absents himself from the  
 21 state for a period of 1 or more years or does not engage in  
 22 active practice within this state, he may continue his  
 23 license in good standing by a payment set by the board each  
 24 year, ~~not to exceed \$25,~~ or at the discretion of the board,  
 25 he may be reinstated on the payment of a fee of ~~\$25~~

1 ~~prescribed by the board~~ for each year's absence. The annual  
 2 payments shall be made prior to March 1 of each year, and a  
 3 receipt or certificate shall be issued by the department.

4 (3) In case of default in payment of the annual  
 5 renewal fee by a dentist, his license shall be revoked by  
 6 the board on 30 days' notice given to the delinquent of the  
 7 time and place of considering the revocation. A registered  
 8 or certified letter addressed to the last-known address of  
 9 the party failing to comply with this requirement, as the  
 10 address appears on the records of the department,  
 11 constitutes sufficient notice of revocation of license, but  
 12 no license may be revoked for nonpayment if the dentist  
 13 notified pays the renewal fee plus a late payment penalty of  
 14 ~~\$10 prescribed by the board~~ before or at the time fixed for  
 15 consideration of revocation. The department may maintain in  
 16 the name of this state a suit to collect renewal fees and  
 17 penalties applicable and to recover from the delinquent  
 18 dentist the cost of the action, including reasonable  
 19 attorneys' fees.

20 (4) No license fee or tax may be imposed on dentists  
 21 by a municipality or any other subdivision of the state."

22 Section 7. Section 37-4-403, MCA, is amended to read:

23 "37-4-403. Issuance of certificate -- fee. An  
 24 applicant who successfully passes the examination prescribed  
 25 by the board shall, on the payment of a fee of ~~\$15~~

1 prescribed by the board, be granted a license as a dental  
2 hygienist and shall be registered in a record kept by the  
3 department and shall receive a certificate, signed by the  
4 members of the board, in a form prescribed by the board."

5 Section 8. Section 37-4-404, MCA, is amended to read:

6 "37-4-404. Admission of dental hygienists from other  
7 states -- reciprocity. (1) On the payment of a fee of ~~\$20~~  
8 prescribed by the board and after satisfactory practical  
9 examination demonstrating his proficiency, a dental  
10 hygienist may be granted a license to practice dental  
11 hygiene in this state without being required to take an  
12 examination in theory if he:

13 (a) has been lawfully licensed to practice in another  
14 state or territory which has and maintains a standard for  
15 the practice of dental hygiene which, in the opinion of the  
16 board, is equal to that at the time maintained in this  
17 state;

18 (b) has been lawfully and continuously engaged in the  
19 practice of dental hygiene for a period of 1 year or more  
20 immediately before filing his application to practice in  
21 this state; and

22 (c) deposits in person with the department an attested  
23 certificate from the examining board of the state or  
24 territory in which he is registered or licensed, certifying  
25 to the fact of his registration and license and of his being

1 a person of good moral character and of professional  
2 attainments.

3 (2) Except as provided in subsection (3) of this  
4 section, no license may be issued without an examination in  
5 theory to the applicant unless the state or territory from  
6 which the certificate has been granted extends a like  
7 privilege to engage in the practice of dental hygiene to  
8 dental hygienists licensed by this state who have moved to  
9 the other state.

10 (3) A dental hygienist who has been lawfully licensed  
11 to practice in another state or territory not having  
12 reciprocity with this state but which has and maintains a  
13 standard for the practice of dental hygiene which, in the  
14 opinion of the board, is equal to that at the time  
15 maintained in this state and who deposits in person with the  
16 department an attested certificate from the examining board  
17 of the state or territory in which he is registered or  
18 licensed, certifying to the fact of his registration and  
19 license and his being a person of good moral character and  
20 of professional attainment, may, on the payment of a fee of  
21 ~~\$20~~ as prescribed by the board, be granted a temporary  
22 license authorizing the person to practice dental hygiene  
23 from the time of the granting of the license until the time  
24 of the next regular examination for dental hygiene set by  
25 the board. No additional fee for the examination may be

1 charged.

2 (4) The board may enter into reciprocity agreements  
3 with other states or territories, the standards of which as  
4 to the practice of dental hygiene are, in the opinion of the  
5 board, equal to those of this state."

6 Section 9. Section 37-4-406, MCA, is amended to read:

7 "37-4-406. Annual renewal fee -- revocation of  
8 license. (1) Before March 1 of each year, a licensed dental  
9 hygienist shall pay to the department a renewal fee set by  
10 the board, ~~not to exceed \$25~~. In default of payment, the  
11 board may, after hearing and on 30 days' notice, revoke the  
12 license of the hygienist in default; but the payment of the  
13 renewal fee on or before the time of hearing, with an  
14 additional sum set by the board, ~~not to exceed \$10~~, excuses  
15 the default. The department may collect the fee by suit.

16 (2) The board may likewise revoke or suspend the  
17 license of a dental hygienist for violating this chapter."

18 Section 10. Section 37-5-302, MCA, is amended to read:

19 "37-5-302. Examination -- examination fee. (1) A  
20 person commencing the practice of osteopathy in this state,  
21 in any of its branches, shall apply to the department for a  
22 license to do so, and the applicant, at the time and place  
23 designated by the board, shall submit to an examination in  
24 the following subjects: anatomy, physiology, chemistry,  
25 pathology, bacteriology, gynecology, obstetrics, and theory

1 and practice of osteopathy and other subjects taught in  
2 well-regulated and recognized schools of osteopathy and  
3 considered advisable by the board and shall present evidence  
4 of having actually attended, as required in 37-5-301, a  
5 legally authorized and regularly conducted school of  
6 osteopathy recognized by the board, except as otherwise  
7 provided in 37-5-201.

8 (2) Examination papers on subjects peculiar to  
9 osteopathy shall be graded by the department, subject to  
10 37-1-101. The examination shall be scientific and practical,  
11 but of sufficient severity to test the candidate's fitness  
12 to practice osteopathy.

13 (3) After examination the department shall issue a  
14 license to practice osteopathy in this state to applicants  
15 who pass the examination, which license shall be granted by  
16 not less than two members of the board, attested by the  
17 board's seal.

18 (4) The fee for the examination and license ~~is~~ ~~\$20~~  
19 shall be prescribed by the board."

20 Section 11. Section 37-5-307, MCA, is amended to read:

21 "37-5-307. Renewal fee. (1) A person holding a  
22 certificate to practice under this chapter and who is in  
23 active practice in this state shall before April 1 of each  
24 year pay a renewal fee ~~of \$15~~ prescribed by the board to the  
25 department, and a person holding a certificate to practice



1 under this chapter who is not in active practice shall  
 2 before April 1 of each year pay a renewal fee ~~of \$7.50~~  
 3 prescribed by the board to the department. The department  
 4 shall before March 15 of each year send a notice to each  
 5 person holding a valid certificate to practice under this  
 6 chapter and from whom a fee is due stating that the fee is  
 7 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 a maximum fee prescribed  
 13 by the board if the lapsed fees exceed ~~that amount the~~ the  
 14 maximum fee."

15 Section 12. Section 37-6-302, MCA, is amended to read:

16 "37-6-302. Qualifications for licensure -- exemptions  
 17 from examination. (1) Examinations shall be held at places  
 18 and times the board directs. Persons who wish to begin the  
 19 practice of podiatry in this state shall make application,  
 20 on a form authorized by the state board of podiatry  
 21 examiners and furnished by the department, for a license to  
 22 practice podiatry. The license may be granted to applicants  
 23 after they have furnished satisfactory proof of good moral  
 24 character, of having attained high school graduation or its  
 25 equivalent, of having at least 4 years or equivalent time in

1 quarter or semester hours of instruction in an accredited  
 2 college of podiatry recognized as being in good standing by  
 3 the board and have successfully passed the examination.

4 (2) A license without written examination may be  
 5 granted to podiatrists of other states maintaining equal  
 6 statutory requirements for the practice of podiatry and  
 7 extending the same reciprocal privilege to this state if  
 8 they have had a valid license and practiced for at least 2  
 9 preceding years in that state prior to filing for reciprocal  
 10 privilege and by payment of \$50 a fee prescribed by the  
 11 board to the department.

12 (3) A license may be granted, at the discretion of the  
 13 board and upon payment of \$50 a fee prescribed by the board  
 14 to the department, if the applicant has successfully  
 15 completed the national podiatry board examination and after  
 16 a personal interview by the board."

17 Section 13. Section 37-6-303, MCA, is amended to read:

18 "37-6-303. Examination -- subjects -- fees --  
 19 reexamination. (1) A person not exempt from examination  
 20 under 37-6-302 and desiring a license to practice podiatry  
 21 shall be examined in the following subjects: anatomy,  
 22 chemistry, dermatology, diagnosis, materia medica,  
 23 pathology, physiology, therapeutics, clinical and orthopedic  
 24 podiatry, histology, bacteriology, pharmacy, neurology,  
 25 surgery (minor), podiatry, foot orthopedica, shoe therapy,

1 physiotherapy, roentgenology, hygiene and sanitation,  
2 ethics, and culture, limited in their scope to the treatment  
3 of the human foot, and, if qualified, shall receive a  
4 license. The minimum requirements for a license are a  
5 general average of 75% in all the subjects involved and not  
6 less than 50% in any one subject.

7 (2) An examination and license fee of ~~of \$35 prescribed~~  
8 ~~by the board~~ shall be paid to the department.

9 (3) An applicant failing the examination and being  
10 refused a license is entitled within 6 months of the refusal  
11 to a reexamination, but one reexamination exhausts his  
12 privilege under the original examination."

13 Section 14. Section 37-6-304, MCA, is amended to read:

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

24 (2) Licenses shall be recorded by the department the  
25 same as other medical licenses. The person receiving the

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

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

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

16 Section 15. Section 37-7-302, MCA, is amended to read:

17 "37-7-302. Examination -- qualifications -- fees --  
18 reciprocity. (1) The department shall give reasonable notice  
19 of examinations by mail to known applicants. The department  
20 shall record the names of persons examined, together with  
21 the grounds on which the right of each to examination was  
22 claimed, and also the names of persons registered by  
23 examination or otherwise.

24 (2) The fee for an examination shall be set by the  
25 board at a figure commensurate with costs, which fee may in

1 the discretion of the board be returned to applicants not  
2 taking the examination. On again making payment of the fee,  
3 an applicant who fails is entitled to take the next  
4 succeeding examination free of charge.

5 (3) The fee for registration by reciprocity ~~is--\$200~~  
6 shall be prescribed by the board.

7 (4) To be entitled to examination as a pharmacist, the  
8 applicant shall be a citizen of the United States, of good  
9 moral character, and a graduate of the school of pharmacy of  
10 the university of Montana or of a college or school of  
11 pharmacy recognized and approved by or a member of the  
12 American association of colleges of pharmacy; but the  
13 applicant may not receive a registered pharmacist's license  
14 until he has complied with the internship requirements  
15 established by the board. During this period, if the  
16 applicant has passed the examination, he shall be licensed  
17 as an intern only.

18 (5) The board may in its discretion authorize the  
19 department to grant registration without examination to a  
20 pharmacist licensed by a board of pharmacy or a similar  
21 board of another state which accords similar recognition to  
22 licensees of this state if the requirements for registration  
23 in the other state are, in the opinion of the board,  
24 equivalent to the requirements of this chapter.

25 (6) Every person licensed and registered under this

1 chapter shall receive from the department an appropriate  
2 certificate attesting the fact, which shall be conspicuously  
3 displayed at all times in his place of business. If the  
4 holder is entitled to manage or conduct a pharmacy in this  
5 state for himself or another, the fact shall be set forth in  
6 the certificate."

7 Section 16. Section 37-7-303, MCA, is amended to read:  
8 "37-7-303. Annual renewal fee. (1) A person licensed  
9 and registered by the department shall annually pay to the  
10 department before June 30 a renewal of registration fee of  
11 ~~\$15~~ prescribed by the board. A default in the payment of a  
12 renewal fee for a period of 30 days after the date it is due  
13 increases the renewal fee to ~~\$30~~ as prescribed by the board.  
14 It is unlawful for a person who refuses or fails to pay the  
15 renewal fee to practice pharmacy in this state. A  
16 certificate and renewal expires at the time prescribed, not  
17 later than 1 year from its date. A defaulter in a renewal  
18 fee may be reinstated within 1 year of the default without  
19 examination on payment of the arrears and compliance with  
20 the continuing education provisions of this chapter.

21 (2) The board may charge an additional fee ~~of--up--to~~  
22 ~~\$10~~ for such license renewal to be used in administering the  
23 continuing education provisions of this chapter."

24 Section 17. Section 37-7-321, MCA, is amended to read:  
25 "37-7-321. Store license -- certified pharmacy license

1 -- suspension or revocation. (1) The department shall, on  
 2 application on forms prescribed by the board and on the  
 3 payment of an annual fee of ~~\$10 prescribed by the board,~~  
 4 license stores other than pharmacies in which are sold  
 5 ordinary household or medicinal drugs prepared in sealed  
 6 packages or bottles by a manufacturer qualified under the  
 7 laws of the state in which the manufacturer resides. The  
 8 name and address of the manufacturer shall appear  
 9 conspicuously on each package sold by the licensee. It is  
 10 unlawful for a store to sell, deliver, or give away  
 11 household medicinal drugs without first having secured a  
 12 license and thereafter keeping it in force by proper  
 13 renewal. This subsection does not prevent a vendor from  
 14 selling a patent or proprietary medicine in the original  
 15 package when plainly labeled or nonmedical articles usually  
 16 sold by vendors.

17 (2) The board shall provide for the original  
 18 certification and annual renewal by the department of every  
 19 pharmacy doing business in this state. On presentation of  
 20 evidence satisfactory to the board and on application on a  
 21 form prescribed by the board and on the payment of an  
 22 original certification fee of ~~\$100 prescribed by the board,~~  
 23 the department shall issue a license to a pharmacy as a  
 24 certified pharmacy. However, the license may be granted only  
 25 to pharmacies operated by registered pharmacists or

1 registered interns qualified under this chapter. The annual  
 2 renewal fee for a pharmacy shall be set by the board in an  
 3 amount not to exceed \$50. Any default in the payment of  
 4 such renewal fee for a period of 30 days after the date the  
 5 same is due shall increase the renewal fee to ~~the sum of~~  
 6 ~~\$100 as prescribed by the board.~~ The license must be  
 7 displayed in a conspicuous place in the pharmacy for which  
 8 it is issued and expires on June 30 following the date of  
 9 issue. It is unlawful for a person to conduct a pharmacy,  
 10 use the word "pharmacy" to identify his business, or use the  
 11 word "pharmacy" in advertising unless a license has been  
 12 issued and is in effect.

13 (3) The board may suspend, revoke, or refuse to renew  
 14 a store or pharmacy license:

15 (a) obtained by false representation or fraud;  
 16 (b) when the pharmacy for which the license is issued  
 17 is kept open for the transaction of business without a  
 18 pharmacist in charge;

19 (c) when the person to whom the license is granted has  
 20 been convicted of:

21 (i) a violation of parts 1 through 3 of this chapter;  
 22 (ii) a felony; or  
 23 (iii) a violation of the Federal Food, Drug, and  
 24 Cosmetic Act of June 25, 1938, (52 Stats. 1040 through  
 25 1059);

1 (d) when the person to whom the license is granted is  
2 a natural person whose pharmacist or intern license has been  
3 revoked; or

4 (e) when the store or pharmacy is conducted in  
5 violation of parts 1 through 3 of this chapter.

6 (4) Before a license can be revoked, the holder is  
7 entitled to a hearing by the board."

8 Section 18. Section 37-8-406, MCA, is amended to read:

9 "37-8-406. Professional nursing -- examination -- fee.

10 An applicant for a license to practice professional nursing  
11 is required to pass a written examination in subjects the  
12 board, acting under the professional nursing administration,  
13 determines. A written examination may be supplemented by an  
14 oral or practical examination. On successfully passing the  
15 examination, the department shall issue to the applicant a  
16 license to practice nursing as a registered professional  
17 nurse. The applicant shall pay a fee ~~of \$35~~ prescribed by  
18 the board at the time the application is submitted, which  
19 shall be returned to the applicant if the application is  
20 withdrawn not later than 5 days prior to the date of  
21 examination or if the examination is not taken, subject to  
22 deduction by the department of ~~\$1~~ an amount prescribed by  
23 the board per subject of the examination which shall be  
24 retained by the department."

25 Section 19. Section 37-8-407, MCA, is amended to read:

1 "37-8-407. Reciprocity -- professional nursing. (1)  
2 The board--professional nursing administration may issue  
3 without examination a license to practice nursing as a  
4 registered professional nurse to an applicant who has been  
5 licensed or registered as a professional nurse under the  
6 laws of another state or territory if in the opinion of the  
7 board the applicant meets the qualifications required of  
8 registered nurses in this state at the time the applicant  
9 graduated from a school of nursing. The applicant shall pay  
10 a fee ~~of \$35~~ prescribed by the board at the time the  
11 application is submitted, which shall be returned to the  
12 applicant if the application is withdrawn not later than 5  
13 days prior to final submission of the application to the  
14 board, subject to deduction of ~~\$5~~ an amount prescribed by  
15 the board to be retained by the department.

16 (2) An applicant may, pending licensure as a  
17 professional nurse under subsection (1) of this section,  
18 practice professional nursing as an employee of a health  
19 care agency for a period not longer than 3 months from the  
20 date the department acknowledges receiving from the nurse a  
21 completed statement, on a form provided by the department,  
22 of intention to practice. The statement shall consist of an  
23 affidavit by the nurse and an affidavit by the employer  
24 where the nurse intends to practice professional nursing.  
25 The affidavit of the nurse and the affidavit of the employer

1 shall contain the information deemed by the board necessary  
2 for the statement.

3 (3) Subsection (2) does not permit the nurse to  
4 practice for more than a 3-month period or in any event  
5 after being notified by the board through the department  
6 that the application for a license has been denied or in all  
7 cases after being notified by the board through the  
8 department to cease and desist this practice. Notice shall  
9 be given by registered or certified mail to the address of  
10 the applicant as it appears in the statement of the  
11 applicant."

12 Section 20. Section 37-8-418, MCA, is amended to read:

13 "37-8-418. Licensed practical nursing -- application  
14 fee. An applicant for a license to practice as a licensed  
15 practical nurse shall pay a fee of ~~\$35~~ prescribed by the  
16 board to the department at the time the application is  
17 submitted, which fee shall be returned to the applicant if  
18 the application is withdrawn not later than 5 days prior to  
19 the date of examination or the final submission to the board  
20 of application for endorsement without examination, subject  
21 to a deduction of ~~\$5~~ an amount prescribed by the board to be  
22 retained by the department."

23 Section 21. Section 37-8-431, MCA, is amended to read:

24 "37-8-431. Renewal of license. (1) The license of a  
25 person licensed under this chapter must be annually renewed.

1 Before December 1 of each year, the department shall mail an  
2 application form for renewal of license to every person to  
3 whom a license was issued or renewed during the year. The  
4 applicant shall carefully complete and subscribe the  
5 application form and return it to the department with a  
6 renewal fee of ~~\$10~~ prescribed by the board before January 1.

7 (2) The board may increase or decrease the annual  
8 license fee so as to maintain in the earmarked revenue fund  
9 at all times an adequate amount to be used for the purpose  
10 of administering, policing, and enforcing the provisions of  
11 this chapter. On receipt of the application and fee, the  
12 department shall verify the accuracy of the application  
13 against its record and from other sources the board  
14 considers reliable and issue to the applicant a certificate  
15 of renewal for the current year beginning January 1 and  
16 expiring December 31 following. The certificate of renewal  
17 renders the holder a legal practitioner of nursing for the  
18 period stated in the certificate of renewal.

19 (3) A licensee who allows his license to lapse by  
20 failing to renew the license may be reinstated by the board  
21 on satisfactory explanation for the failure to renew license  
22 and on payment of the current renewal fee prescribed by the  
23 board.

24 (4) A person practicing nursing during the time  
25 following the date his license has expired is an illegal

1 practitioner and is subject to the penalties provided for  
2 violations of this chapter."

3 Section 22. Section 37-9-304, MCA, is amended to read:

4 \*37-9-304. Fees. (1) Each person who applies for  
5 licensure, whether by waiver, examination, or reciprocity,  
6 shall be required to pay a fee of ~~\$25~~ prescribed by the  
7 board at the time of application.

8 (2) Each person licensed as a nursing home  
9 administrator shall be required to pay a license fee in an  
10 amount to be fixed by the board, ~~not to exceed \$100~~. A  
11 license shall expire on December 31 in the year for which it  
12 is issued and shall be renewable annually upon timely  
13 payment of the license fee.

14 (3) Each person registered as an inactive nursing home  
15 administrator shall be required to pay a registration fee in  
16 the amount of ~~not more than \$25~~ fixed by the board. An  
17 inactive registration shall expire on December 31 in the  
18 year for which it is issued and shall be renewable annually  
19 upon timely payment of the inactive registration fee.

20 (4) The fee for issuing a duplicate license shall be  
21 ~~\$10~~ fixed by the board."

22 Section 23. Section 37-10-302, MCA, is amended to  
23 read:

24 \*37-10-302. Examination -- qualifications --  
25 application -- issuance of certificate. (1) The board shall

1 adopt rules relative to and governing the qualifications of  
2 applicants for certificates of registration as optometrists.  
3 If the applicant does not meet the requirements of the  
4 rules, he is not eligible to take an examination to practice  
5 optometry in this state. If the applicant meets the  
6 requirements of the rules, he must pass an examination given  
7 by the department, subject to 37-1-101. Examinations shall  
8 be practical in character and designed to ascertain the  
9 applicant's fitness to practice the profession of optometry  
10 and shall be conducted in the English language. The  
11 department shall publish and distribute the examination  
12 requirements for a certificate to practice optometry in this  
13 state. The board may accept the grades an applicant has  
14 received in the written examinations given by the national  
15 board of examiners in optometry.

16 (2) No person is eligible to take the examination  
17 unless he is 18 years of age, a citizen of the United  
18 States, and of good moral character.

19 (3) No person is eligible to take the examination  
20 unless he has certificates of graduation from an accredited  
21 high school and from a school of optometry in which the  
22 practice and science of optometry is taught in a course of  
23 study covering 8 semesters or 4 years of actual attendance  
24 and which is accredited by the international association of  
25 boards of examiners in optometry. Instead of the

1 certificates of graduation, an applicant for examination  
2 may, with like effect, furnish an affidavit that he has  
3 practiced optometry exclusively for a period of at least 6  
4 years in some other state or states.

5 (4) A person desiring to be examined in optometry  
6 shall file an application, in the manner prescribed by the  
7 board, at least 4 weeks before the examination is held, and  
8 a fee of ~~\$25~~ prescribed by the board shall accompany the  
9 application.

10 (5) A person successfully passing the examination  
11 shall be registered in a register which shall be kept by the  
12 department, and on the payment of a fee of ~~\$10~~ prescribed by  
13 the board shall receive a certificate of registration signed  
14 by the members of the board."

15 Section 24. Section 37-10-307, MCA, is amended to  
16 read:

17 "37-10-307. Annual renewal -- fee. A registered  
18 optometrist who desires to continue the practice of  
19 optometry in this state shall annually before July 2 of each  
20 year pay to the department a renewal fee ~~not-to-exceed-the~~  
21 ~~sum-of-\$50,~~ prescribed by the board in return for which a  
22 renewal of registration shall be issued. If a person fails  
23 or neglects to procure his annual renewal of registration,  
24 his certificate of registration shall be revoked by the  
25 board; however, no certificate of registration may be

1 revoked without 90 days' notice having been given to the  
2 delinquent, who within this period may renew his certificate  
3 of registration on the payment of the renewal fee with a  
4 penalty of ~~\$35~~ prescribed by the board."

5 Section 25. Section 37-11-307, MCA, is amended to  
6 read:

7 "37-11-307. Applicants licensed in other states. The  
8 board may, in its discretion, authorize the department to  
9 license as a physical therapist, without examination, on the  
10 payment of the required fee ~~not-to-exceed-\$100,~~ as  
11 established by the board, an applicant for license who is a  
12 physical therapist licensed under the laws of another state  
13 or territory if the requirements for a license for physical  
14 therapists in the state or territory in which the applicant  
15 was licensed were at the date of his license substantially  
16 equal to the requirements in force in this state. However,  
17 the board may require a written, oral, or practical  
18 examination."

19 Section 26. Section 37-11-308, MCA, is amended to  
20 read:

21 "37-11-308. Annual renewal of license -- fee. A  
22 licensed physical therapist shall, during January, apply to  
23 the department for a renewal of his license and pay a fee  
24 ~~not-to-exceed-\$50~~ which shall be set by board rule. A  
25 license that is not renewed before April every year



1 automatically lapses. The board may, in its discretion,  
2 revive and renew a lapsed license on the payment of all past  
3 unpaid renewal fees or a late renewal fee."

4 Section 27. Section 37-11-309, MCA, is amended to  
5 read:

6 "37-11-309. Temporary license. (1) On payment to the  
7 department of a fee ~~not to exceed \$100~~ which shall be set by  
8 board rule and the submission of a written application on  
9 forms provided by it, the department shall issue, without  
10 examination, a temporary license to practice physical  
11 therapy in this state for a period not to exceed 1 year to a  
12 person who meets the qualifications set forth in 37-11-303,  
13 on submission by the person of evidence satisfactory to the  
14 board that he is in this state on a temporary basis to  
15 assist in a case of medical emergency or to engage in a  
16 special physical therapy project.

17 (2) On the submission of a written application on  
18 forms provided by it, the department shall issue a temporary  
19 license to a person who has applied for a license under this  
20 chapter and who is, in the judgment of the board, eligible  
21 to take the examination provided for in 37-11-303. This  
22 temporary license is available to an applicant only with  
23 respect to his first application for a license under  
24 37-11-307, or to a foreign-trained physical therapist, and  
25 the license expires when the board makes a final

1 determination with respect to the application."

2 Section 28. Section 37-12-302, MCA, is amended to  
3 read:

4 "37-12-302. Applications -- qualifications -- fees.  
5 (1) A person wishing to practice chiropractic in this state  
6 shall make application to the department, on the form and in  
7 the manner prescribed by the board, at least 21 days prior  
8 to a meeting of the board. Each applicant shall be a  
9 graduate of a college of chiropractic approved by the board,  
10 in which he has attended a course of study of 4 school years  
11 of not less than 9 months each, and shall present evidence  
12 showing completion of 2 full academic years of college or  
13 university work from an institution acceptable to the board  
14 of regents of higher education. Application shall be made  
15 in writing and shall be sworn to by an officer authorized to  
16 administer oaths and shall recite the history of applicant's  
17 educational qualifications, how long he has studied  
18 chiropractic, of what school or college he is a graduate,  
19 and the length of time he has been engaged in practice. The  
20 application shall be accompanied with proofs by diplomas,  
21 certificates, etc., and satisfactory evidence of good  
22 character and reputation.

23 (2) There shall be paid to the department by an  
24 applicant for a license a fee ~~of \$50~~ prescribed by the  
25 board. Like fees shall be paid for a subsequent examination

1 and application."

2 Section 29. Section 37-12-305, MCA, is amended to  
3 read:

4 "37-12-305. Licensing chiropractors from other states  
5 without examination. Persons licensed to practice  
6 chiropractic under the laws of any other state having  
7 chiropractic educational requirements equal to this chapter  
8 may, in the discretion of the board, be issued a license to  
9 practice in this state without examination upon payment of  
10 the fee of ~~of-\$50 prescribed by the board~~ as herein provided."

11 Section 30. Section 37-12-307, MCA, is amended to  
12 read:

13 "37-12-307. Annual renewal of license -- fee --  
14 continuing education required. A license expires on  
15 September 1 of each year and shall be renewed by the  
16 department on payment of a renewal fee of ~~of-not-more-than-\$50,~~  
17 as set by the board, and the presentation of evidence  
18 satisfactory to the board that the licensee, in the year  
19 preceding the application for renewal, attended and  
20 successfully completed a postgraduate educational program  
21 for chiropractors consisting of monitored classroom time  
22 conducted by instructors from accredited colleges of  
23 chiropractic in subjects designated and approved by the  
24 board. However, the board may authorize the department to  
25 issue renewals, but not consecutive renewals, on a showing

1 satisfactory to the board that attendance at the educational  
2 programs was unavoidably prevented; and new licensees during  
3 the 6 months preceding September 1, by examination, shall be  
4 granted renewal licenses without attending the educational  
5 programs."

6 Section 31. Section 37-12-323, MCA, is amended to  
7 read:

8 "37-12-323. Reconsideration of board action -- fee for  
9 restoration of license. (1) At any time after refusal,  
10 suspension, or revocation of license or placement on  
11 probation or any other disciplinary action, the board may,  
12 on its own motion or on application, reconsider its prior  
13 action and reverse, rescind, or modify such action.

14 (2) A person whose license has been revoked and later  
15 restored shall pay a fee of ~~of-\$50 prescribed by the board~~ for  
16 the restoration."

17 Section 32. Section 37-13-302, MCA, is amended to  
18 read:

19 "37-13-302. Application for examination -- fee --  
20 qualifications. (1) Each person desiring to practice  
21 acupuncture in this state shall make application for  
22 examination with the secretary of the board, upon the forms  
23 and in the manner as prescribed by the board, at least 30  
24 days before the date set by the board for the commencement  
25 of the examination. An examination fee of ~~of-\$50 prescribed by~~

1 ~~the board~~ shall accompany the application.

2 (2) A person making application shall furnish the  
3 board evidence that he is:

4 (a) at least 18 years of age;

5 (b) a citizen of the United States or has filed a  
6 properly executed declaration of intention to become a  
7 citizen of the United States;

8 (c) of good moral character, as determined by the  
9 board; and

10 (d) a graduate of an approved school of acupuncture or  
11 has completed a course in acupuncture approved by the  
12 board."

13 Section 33. Section 37-13-303, MCA, is amended to  
14 read:

15 "37-13-303. Examination -- scope -- retention and  
16 inspection of examination papers -- reexamination. (1) Any  
17 applicant meeting the requirements of this chapter shall be  
18 admitted to an assembled examination to be conducted by the  
19 board. An examination shall be held at least twice a year.  
20 The examination shall be practical in character and  
21 sufficiently thorough to test the fitness of the applicant  
22 to practice acupuncture. The examination shall be in  
23 writing, insofar as the board shall deem practicable, and  
24 shall cover such subjects as prescribed in the curriculum  
25 and taught in the schools which offer courses leading to the

1 degree of doctor of acupuncture, master of acupuncture,  
2 master acupuncturist, or their equivalent. Demonstration of  
3 the applicant's skill in the practice of acupuncture may  
4 also be required.

5 (2) Examination papers of any applicant shall be  
6 retained 2 years by the secretary of the board and may then  
7 be destroyed. While retained the examination papers shall be  
8 open to inspection only by board members, the applicant, or  
9 by some person appointed by the applicant to examine them or  
10 by a court of competent jurisdiction in a proceeding where  
11 the question of the contents of the papers is properly  
12 involved.

13 (3) Any applicant failing to pass his first  
14 examination before the board may, at any subsequent meeting  
15 of the board held for the purpose of examining candidates,  
16 if otherwise qualified, take subsequent examinations upon  
17 payment of the fee of ~~\$25~~ prescribed by the board for each  
18 examination."

19 Section 34. Section 37-13-304, MCA, is amended to  
20 read:

21 "37-13-304. Issuance of certificate of license --  
22 license fee. All applicants successfully passing the  
23 examination required by this chapter shall be registered as  
24 licensed acupuncturists in the board register and, upon the  
25 payment of a ~~\$20~~ license fee prescribed by the board, shall

1 be issued a certificate of license in such form as  
2 prescribed by the board. The certificate shall bear the  
3 official seal of the board."

4 Section 35. Section 37-13-305, MCA, is amended to  
5 read:

6 "37-13-305. Admission of licensees from other states.  
7 A license without examination may be issued by the board to  
8 any acupuncturist licensed or certified in another state  
9 where the licensing or certification requirements are  
10 substantially equivalent to the requirements of this  
11 chapter, upon payment of the license fee of ~~\$20~~ prescribed  
12 by the board as herein provided."

13 Section 36. Section 37-13-306, MCA, is amended to  
14 read:

15 "37-13-306. Annual renewal -- fee -- military  
16 exemption. (1) The license to practice acupuncture shall  
17 expire on December 31 of each calendar year and shall be  
18 renewed without examination upon request of the licensee.  
19 The request for renewal shall be on forms prescribed by the  
20 board and accompanied by a renewal fee of ~~\$20~~ prescribed by  
21 the board. The request and fee shall be in the hands of the  
22 secretary of the board not later than the expiration date of  
23 the license.

24 (2) On or before December 1 of each calendar year, the  
25 secretary of the board shall notify each licensee by letter,

1 addressed to his last place of residence as the same appears  
2 on the records of the board, that his license will expire on  
3 December 31 following the date of notice unless application  
4 for renewal, accompanied by the annual renewal fee, is  
5 received by the board on or prior to that date.

6 (3) Immediately following December 31 of each calendar  
7 year, the secretary shall notify all licensees from whom  
8 requests for renewal, accompanied by the renewal fee, have  
9 not been received that their licenses have expired and that  
10 they will be cancelled and revoked upon the records of the  
11 board unless a request for renewal and reinstatement,  
12 accompanied by the renewal fee and an additional fee of ~~\$5~~  
13 prescribed by the board, shall be in the hands of the  
14 secretary prior to February 1 following the expiration date.

15 (4) Immediately following February 1 of each calendar  
16 year, the secretary of the board shall cancel and revoke  
17 upon its records all licenses which have not been renewed or  
18 reinstated as provided by this chapter and shall notify the  
19 licensees whose licenses are so revoked of such action.

20 (5) Any licensee who allows his license to lapse by  
21 failing to renew or reinstate the same as herein provided  
22 may subsequently reinstate the same upon good cause shown to  
23 the satisfaction of the board and upon payment of all annual  
24 renewal fees then accrued plus an additional fee of ~~\$5~~  
25 prescribed by the board for each year following the

1 cancelling of the license.

2 (6) Any person actively engaged in the military  
3 service of the United States and licensed to practice  
4 acupuncture as herein provided shall not be required to pay  
5 the annual renewal fee or make application for renewal until  
6 December 31 of the calendar year in which he returns from  
7 military service to civilian or inactive status."

8 Section 37. Section 37-14-303, MCA, is amended to  
9 read:

10 "37-14-303. Examination -- application fee. (1)  
11 Examinations for licensure as a radiologic technologist  
12 shall include a written portion and may also include  
13 practical and oral portions as established by the board.

14 (2) The board shall provide applicants for licensure  
15 the opportunity for examinations at intervals not to exceed  
16 6 months.

17 (3) A nonrefundable examination fee, established by  
18 the board ~~but not to exceed \$50~~, shall be submitted prior to  
19 examination for licensure. An applicant failing the  
20 examination shall be charged a nonrefundable application fee  
21 for any subsequent examination. An applicant failing any  
22 subsequent examination is not eligible for reexamination  
23 until 12 months following the last failed examination."

24 Section 38. Section 37-14-305, MCA, is amended to  
25 read:

1 "37-14-305. Issuance of license or permit -- fee. The  
2 board shall issue a license or permit to each applicant who  
3 has submitted a nonrefundable licensing fee set by the  
4 board, ~~not to exceed \$50~~, and has met the requirements of  
5 this chapter."

6 Section 39. Section 37-15-307, MCA, is amended to  
7 read:

8 "37-15-307. Application and examination fee -- license  
9 fee. The amount of fees prescribed in connection with a  
10 license as a speech pathologist or audiologist shall be as  
11 ~~follows; the exact fee to be~~ determined by the board each  
12 year based on costs and predicted expenditures\*

13 ~~(1) -- application -- and examination fee for a license, no~~  
14 ~~less than \$50 or more than \$100;~~

15 ~~(2) -- license fee and renewal thereof, no less than -- \$25~~  
16 ~~or more than \$100."~~

17 Section 40. Section 37-16-402, MCA, is amended to  
18 read:

19 "37-16-402. Application -- qualifications -- fee. An  
20 applicant for a license shall pay a fee ~~of \$50~~ prescribed by  
21 the board and shall show to the satisfaction of the board  
22 that he:

- 23 (1) is a person of good moral character;  
24 (2) has an education equivalent to a 4-year course in  
25 an accredited high school or has continuously engaged in the

1 practice of fitting and dispensing hearing aids during the 3  
2 years preceding the date of application;

3 (3) is free of contagious or infectious disease."

4 Section 41. Section 37-16-405, MCA, is amended to  
5 read:

6 "37-16-405. Temporary license. (1) An applicant who  
7 fulfills the requirements of 37-16-402 and who has not  
8 previously applied to take the examination under 37-16-403  
9 may apply to the department for a temporary license.

10 (2) On receiving an application under subsection (1)  
11 of this section, accompanied by a fee of ~~\$25~~ prescribed by  
12 the board, the department shall issue a temporary license  
13 which entitles the applicant to practice the fitting and  
14 dispensing of hearing aids for a period ending 30 days after  
15 the conclusion of the next examination given after the date  
16 of issue.

17 (3) No temporary license may be issued by the  
18 department unless the applicant shows to the satisfaction of  
19 the board that he is or will be supervised and trained by a  
20 person who holds a valid license issued under this chapter.

21 (4) If a person who holds a temporary license does not  
22 take the next examination given after the date of issue, the  
23 temporary license may not be renewed except for a good cause  
24 shown to the satisfaction of the board.

25 (5) If a person who holds a temporary license takes

1 and fails to pass the next examination given after the date  
2 of issue, the board may authorize the department to renew  
3 the temporary license for a period ending 30 days after the  
4 results of the next examination given after the dates of  
5 renewal are announced. In no event may more than two  
6 renewals be permitted. The fee for renewal ~~is \$30~~ shall be  
7 prescribed by the board."

8 Section 42. Section 37-16-407, MCA, is amended to  
9 read:

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

21 Section 43. Section 37-17-307, MCA, is amended to  
22 read:

23 "37-17-307. Fees -- deposit of fees. (1) The  
24 department shall collect the following fees, none of which  
25 is refundable:

1 (a) application fee ~~-\$25-to-\$50;~~  
 2 (b) examination fee, an amount commensurate with the  
 3 charge of the professional examination service and  
 4 administrative costs of the department and as set by the  
 5 board;  
 6 (c) certificate fee ~~-\$10;~~  
 7 (d) renewal fee ~~-\$20-to-\$50.~~  
 8 ~~(2) The board may set the application fee and the~~  
 9 ~~annual renewal fee annually within the above limits.~~  
 10 ~~(3) The initial certificate fee shall be prorated as~~  
 11 ~~follows:~~  
 12 ~~(a) if the certificate is issued between January 2 and~~  
 13 ~~March 31, \$10;~~  
 14 ~~(b) if the certificate is issued between April 1 and~~  
 15 ~~June 30, \$7.50;~~  
 16 ~~(c) if the certificate is issued between July 1 and~~  
 17 ~~September 30, \$5;~~  
 18 ~~(d) if the certificate is issued between October 1 and~~  
 19 ~~January 1, \$2.50.~~  
 20 ~~(4) (2) Renewal certificates shall be secured annually~~  
 21 ~~and dated January 2.~~  
 22 ~~(5) (3) Fees received by the department shall be~~  
 23 ~~deposited in the earmarked revenue fund for the use of the~~  
 24 ~~board, subject to 37-1-101(6)."~~  
 25 Section 44. Section 37-18-307, MCA, is amended to

1 read:  
 2 \*37-18-307. Renewal -- fee -- continuing education --  
 3 automatic renewal for military personnel. (1) A person  
 4 licensed to practice veterinary medicine in this state shall  
 5 procure from the department before July 1 annually his  
 6 certificate of registration. The certificate shall be issued  
 7 by the department on the payment of a fee to be fixed  
 8 annually by the board ~~not exceeding the sum of \$25,~~ and the  
 9 presentation of evidence satisfactory to the board that the  
 10 licensee, in the year preceding the application for renewal,  
 11 attended an educational program approved by the board.  
 12 However, the board may authorize the department to issue  
 13 renewals, but not consecutive renewals, on a showing  
 14 satisfactory to the board that attendance at the educational  
 15 programs was unavoidably prevented; and new licensees who  
 16 secure licenses by examination during the 6 months preceding  
 17 July 1 shall be granted renewals without attending the  
 18 educational programs. The certificate is prima facie  
 19 evidence of the right of the holder to practice veterinary  
 20 medicine in this state during the time for which it is  
 21 issued.  
 22 (2) Failure of a person licensed to procure a  
 23 certificate of registration before July 1, annually,  
 24 constitutes a forfeiture of the license held by the person.  
 25 A person who has thus forfeited his license may have it

1 restored to him by making written application for  
 2 restoration within 1 year of the forfeiture, setting forth  
 3 the reasons for failure to procure the certificate of  
 4 registration at the time specified and accompanied by  
 5 payment of the registration fee provided for in this section  
 6 and an additional restoration fee ~~not in excess of \$25~~, as  
 7 the board requires and by presentation of evidence  
 8 satisfactory to the board that he has fulfilled the  
 9 continuing educational requirements of all licensees recited  
 10 above. The person making application for restoration of  
 11 license within 1 year of its forfeiture is not required to  
 12 submit to examination.

13 (3) Notwithstanding any other provisions in this  
 14 chapter, a person licensed who enters or is called to active  
 15 duty by a branch of the armed services of the United States  
 16 is entitled to receive automatic registration of his license  
 17 during the period of his duty with the armed services.  
 18 However, within 1 year after release or discharge from duty  
 19 in the armed services he shall procure a certificate of  
 20 renewal from the department and pay the regular fee. Failure  
 21 to procure the certificate of renewal within 1 year after  
 22 release or discharge is the equivalent of a failure to  
 23 procure a certificate of registration before July 1 of any  
 24 year, and the same forfeiture and restoration requirements  
 25 apply.

1 (4) A person licensed shall at all times have his  
 2 residence and office address on file with the department.\*

3 Section 45. Section 37-18-403, MCA, is amended to  
 4 read:

5 \*37-18-403. Licensure without examination. A person  
 6 who can produce satisfactory evidence that he has been  
 7 employed as a veterinary technician in the office of a  
 8 regularly licensed veterinarian in the state of Montana for  
 9 2 or more years prior to March 25, 1975, may, upon payment  
 10 of a fee of ~~\$25~~ prescribed by the board, be granted a  
 11 certificate to practice by the board of veterinarians;  
 12 provided that if the board in its discretion finds that  
 13 animal health and the public interest so require, the board  
 14 may require the applicant to pass a practical examination in  
 15 veterinary technology. A certificate must be secured before  
 16 such person may continue practice as a veterinary  
 17 technician.\*

18 Section 46. Section 37-18-405, MCA, is amended to  
 19 read:

20 \*37-18-405. Renewal -- board to be kept informed of  
 21 employer. (1) Each licensed veterinary technician shall  
 22 annually on or before July 1 procure from the board a  
 23 certificate of annual registration. The fee for annual  
 24 registration shall be fixed by the board ~~not exceeding the~~  
 25 ~~sum of \$10~~. Failure of a licensee to procure a certificate



1 of registration on or before July 1 shall constitute a  
2 forfeiture of the license.

3 (2) Each licensed veterinary technician shall keep the  
4 board informed of his address, the name and address of the  
5 licensed veterinarian or of the state department which is  
6 his employer, and such other information as the board may by  
7 rule require."

8 Section 47. Section 37-19-301, MCA, is amended to  
9 read:

10 "37-19-301. Funeral director's license -- renewal --  
11 fee. The practice of funeral directing by anyone who does  
12 not hold a funeral director's license or a mortician's  
13 license issued by the department is prohibited. A person  
14 licensed to practice funeral directing on June 1, 1963, is  
15 entitled to an annual renewal of his license on payment of a  
16 renewal fee to the department on July 1 of each year. The  
17 amount of the annual renewal license fee shall be set by the  
18 board ~~but--may-not-exceed-\$25~~. A funeral director's license  
19 may not be issued to a person who is not licensed by the  
20 board of embalmers and funeral directors to practice funeral  
21 directing on June 1, 1963."

22 Section 48. Section 37-19-303, MCA, is amended to  
23 read:

24 "37-19-303. Mortician's license -- application fee. A  
25 person possessing the necessary qualifications may apply to

1 the department for a license and on payment of an  
2 application fee, as set by the board ~~but-not-to-exceed-\$75~~,  
3 may take the examination prescribed by the board. The  
4 examination shall be held on the second Wednesday of July  
5 each year in Helena and at such other times and places as  
6 the board considers necessary."

7 Section 49. Section 37-19-304, MCA, is amended to  
8 read:

9 "37-19-304. Issuance of intern's license -- license  
10 fee -- issuance of mortician's license on completion of  
11 internship. An applicant who passes the examination, upon  
12 payment of a license fee ~~of-\$3~~ prescribed by the board,  
13 shall be granted an intern mortician's license to practice  
14 mortuary science under the supervision of a mortician in a  
15 licensed mortuary in Montana and, upon completion of 1  
16 year's internship and payment of the annual license fee, may  
17 apply for and receive a mortician's license."

18 Section 50. Section 37-19-306, MCA, is amended to  
19 read:

20 "37-19-306. Annual renewal of mortician's license --  
21 fee -- suspension for nonrenewal. (1) The annual license fee  
22 for a mortician's license must be postmarked before July 1  
23 of the assessment year. The amount of the annual renewal fee  
24 shall be set by the board ~~but-may-not-exceed-\$50~~.

25 (2) Failure to pay the annual renewal fee results in

1 automatic suspension of the license. The license may be  
 2 reinstated by the payment of unpaid renewal fees plus a  
 3 penalty of ~~-\$25 prescribed by the board.~~"

4 Section 51. Section 37-19-403, MCA, is amended to  
 5 read:

6 "37-19-403. Power of board to set standards --  
 7 inspection. (1) The board may adopt rules prescribing  
 8 reasonable standards for operating mortuaries, including  
 9 minimum requirements for drainage, ventilation, and  
 10 instruments, and may inspect the premises of a mortuary  
 11 establishment to determine if such rules are complied with.  
 12 Such inspection or inspections shall be made at the  
 13 discretion of the board and may be without notice.

14 (2) The board may charge the operator an inspection  
 15 fee to be set at the discretion of the board ~~but--not--to~~  
 16 ~~exceed-\$25-per-year."~~

17 Section 52. Section 37-30-307, MCA, is amended to  
 18 read:

19 "37-30-307. Fees -- handicapped persons exempted --  
 20 other fees prohibited. (1) The fee to be paid by an  
 21 apprentice for an apprentice examination and an apprentice  
 22 card ~~is-\$25 shall be prescribed by the board.~~

23 (2) The fee to be paid by an applicant for an  
 24 examination to determine his fitness to receive a  
 25 certificate of registration to practice barbering ~~is-\$20~~ and

1 for the issuance of the certificate ~~in-addition--not--\$10 shall~~  
 2 ~~be prescribed by the board.~~

3 (3) A person registered as a barber or barber  
 4 apprentice shall, before July 1 of each year, pay a license  
 5 fee, set by the board ~~in-an-amount-not--to--exceed--\$15--and~~  
 6 based on clerical and administrative costs, for the renewal  
 7 of his certificate of registration. If a barber fails to  
 8 have the certificate renewed before July 1 of each year, the  
 9 barber shall on renewal of the certificate of registration  
 10 pay a penalty of ~~-\$10 prescribed by the board~~ in addition to  
 11 the regular renewal fee. If a certificate of registration is  
 12 not renewed within 1 year after the date of expiration, the  
 13 barber is not entitled to have the certificate of  
 14 registration renewed or a new certificate of registration  
 15 issued without first applying for and taking the examination  
 16 and paying the fees provided for in this section.

17 (4) However, physically handicapped persons trained  
 18 for the barber profession by the department of social and  
 19 rehabilitation services and certified by that department as  
 20 having successfully completed a 9-month course in a  
 21 reputable barber college are not required to pay fees and  
 22 are for a period of 1 year immediately following their  
 23 training exempt from all except the sanitary provisions of  
 24 this chapter.

25 (5) No other or additional license or fee may be

1 imposed on barbers or barber apprentices by a municipality  
2 or other subdivision of this state."

3 Section 53. Section 37-30-404, MCA, is amended to  
4 read:

5 "37-30-404. Barber schools -- operator -- license fee  
6 -- patrons. (1) A barber school or college operating in this  
7 state must have in charge a person who has had 10 years'  
8 continuous experience as a barber.

9 (2) The owner of the school or college shall first  
10 secure a permit to operate granted by the board and issued  
11 by the department, on payment of an annual license fee of  
12 ~~\$50 prescribed by the board~~, and shall keep the permit  
13 prominently displayed.

14 (3) The owner shall, before commencing business, file  
15 with the secretary of state a bond to this state, which  
16 shall be approved by the attorney general, in the sum of  
17 \$2,000, conditioned on the faithful compliance of the barber  
18 school or college with this chapter and the payment of  
19 judgments that may be obtained against the school, college,  
20 or owner on account of fraud, misrepresentation, or deceit  
21 practiced by them or by their agents.

22 (4) Barber schools or barber colleges may not charge  
23 patrons for barbering services and materials rendered.

24 (5) All barber schools or colleges shall keep  
25 prominently displayed a substantial sign as a barber school

1 or barber college.

2 (6) On receiving students, all barber schools or  
3 colleges shall immediately apply to the department for  
4 student permits on blank forms prescribed by the board."

5 Section 54. Section 37-30-423, MCA, is amended to  
6 read:

7 "37-30-423. Initial inspection fee -- renewal. (1) In  
8 addition to the fees and charges provided by law on March  
9 11, 1939, barbershops established prior to that date and  
10 which had been under the inspection of the board shall pay  
11 an annual license fee set by the board ~~in an amount not to~~  
12 ~~exceed \$15~~ and based on clerical and administrative costs.  
13 Barbershops established after March 11, 1939, shall pay an  
14 initial inspection fee ~~of \$25 prescribed by the board~~ for  
15 the first year or portion thereof and shall pay an annual  
16 license fee set by the board ~~in an amount not to exceed \$15~~.

17 (2) Barbershop, school, or college licenses expire on  
18 July 1 of each year following the issuance of the license,  
19 and an owner or manager of a barbershop, school, or college  
20 which continues in active operation shall annually, before  
21 July 1, renew his barbershop, school, or college license and  
22 pay the required fee. A barbershop which fails to have the  
23 license renewed before July 1 of each year shall, on  
24 renewal, pay a penalty ~~of \$10 prescribed by the board~~, and a  
25 barber school or college which fails to have the license

1 renewed before July 1 of each year shall, on renewal, pay a  
2 penalty of ~~\$55~~ prescribed by the board."

3 Section 55. Section 37-30-424, MCA, is amended to  
4 read:

5 "37-30-424. Fee for advanced barber training program,  
6 clinic, or seminar. Any person conducting in this state any  
7 advanced barber training program, clinic, or seminar for  
8 barbers as defined in this chapter shall pay an annual  
9 license fee of ~~\$50~~ prescribed by the board to the department  
10 or a 10-day license fee of ~~\$15~~ prescribed by the board and  
11 display the license while operating. Any such advanced  
12 barber training program, clinic, or seminar may be inspected  
13 by the department at reasonable times during operation."

14 Section 56. Section 37-31-312, MCA, is amended to  
15 read:

16 "37-31-312. Inspection. (1) The department shall  
17 appoint one or more inspectors who are licensed to practice  
18 under this chapter, each of whom shall devote his time to  
19 inspecting beauty parlors and performing other duties as the  
20 department may direct. The inspectors may enter a beauty  
21 parlor or school of cosmetology during business hours for  
22 the purpose of inspection, and the refusal of a licensee to  
23 permit the inspection during business hours is cause for  
24 revocation of the license.

25 (2) Upon application for a license, any cosmetological

1 establishment must pay an initial inspection fee of ~~\$25~~  
2 prescribed by the board.

3 (3) The board may authorize the department to grant to  
4 a cosmetological establishment, upon payment of the initial  
5 inspection fee, a temporary permit authorizing the  
6 cosmetological establishment to operate for a period of not  
7 to exceed 90 days or until the inspector is able to make the  
8 inspection, whichever event occurs first. This temporary  
9 permit is not renewable."

10 Section 57. Section 37-31-322, MCA, is amended to  
11 read:

12 "37-31-322. Renewal -- continuing education --  
13 delinquency fee. (1) Licenses and certificates may be issued  
14 for no longer than 1 year unless otherwise provided by rule.  
15 Licenses and certificates expire on December 31 unless  
16 otherwise provided by rule or renewed for the next year or  
17 renewal period. Licenses and certificates may be renewed by  
18 application made prior to December 31 of each year, unless  
19 otherwise provided, and the payment of a required renewal  
20 fee. Expired licenses and certificates may be renewed under  
21 rules made by the board, but the right to renew an expired  
22 license or certificate terminates after 10 years of  
23 nonpayment. The board may provide by rule for a change in  
24 the renewal date and renewal period for the manager-operator  
25 and salon owner category. The renewal fee may not exceed

1 twice the fee for a 2-year renewal or three times the fee  
 2 for a 3-year renewal and shall be as set by the board.

3 (2) In addition to the foregoing requirements for  
 4 renewal, persons applying for the renewal of teachers'  
 5 licenses must have fulfilled the following additional  
 6 requirements:

7 (a) During each year, an active teacher, either  
 8 full-time or part-time, must have successfully completed 30  
 9 hours' professional teacher training at a school approved by  
 10 the board.

11 (b) A person holding a teacher's license but not  
 12 actively engaged either full-time or part-time in teaching  
 13 cosmetology during the preceding year may renew the license  
 14 by paying the required fee. A person holding a teacher's  
 15 license but not actively engaged in teaching cosmetology  
 16 either full-time or part-time for the preceding year or  
 17 longer and wishing to resume active teaching of cosmetology  
 18 must successfully complete 30 hours' professional teacher  
 19 training at a school approved by the board before resuming  
 20 active teaching. However, the foregoing provisions do not  
 21 prevent the board, under rules it adopts, from permitting a  
 22 person holding a teacher's license and not actively engaged  
 23 either full-time or part-time in teaching cosmetology from  
 24 teaching as a substitute for an active teacher.

25 (3) A fee of ~~\$10~~ prescribed by the board shall be

1 charged, in addition to other fees fixed by law, for renewal  
 2 applications of licenses and certificates made after  
 3 December 31 of each year or other predetermined renewal  
 4 deadline. The department shall notify license and  
 5 certificate holders of the expiration date of licenses and  
 6 certificates not less than 30 days before the expiration  
 7 date and call attention to the penalty imposed for failure  
 8 to renew a license or certificate by the date of  
 9 expiration.\*

10 Section 58. Section 37-31-323, MCA, is amended to  
 11 read:

12 \*37-31-323. Fees. (1) Fees for licenses and  
 13 certificates of registration shall be paid to the department  
 14 ~~not to exceed the following respective~~ in amounts prescribed  
 15 by the board:

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

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

20 ~~(c) An applicant for examination who is a graduate~~  
 21 ~~from a cosmetology school of this state may pay a fee of \$0~~  
 22 ~~for a temporary license to practice as an operator.~~

23 ~~(d) An applicant for examination to teach shall pay a~~  
 24 ~~fee of \$68 at the time of the application.~~

25 ~~(e) A person practicing cosmetology as an operator~~

1 ~~shall pay a fee of \$12 for the issuance of a license.~~  
 2 ~~(f) An applicant for a manager-operator license shall~~  
 3 ~~pay a fee of \$20 for the issuance of a license.~~  
 4 ~~(g) An applicant for an itinerant license as a~~  
 5 ~~cosmetologist shall pay a fee of \$100.~~  
 6 ~~(h) A person, firm, partnership, or corporation~~  
 7 ~~owning, operating, or conducting a cosmetologist salon~~  
 8 ~~shall pay the sum of \$20 for the issuance of the certificate~~  
 9 ~~of registration.~~  
 10 ~~(i) A person teaching or instructing cosmetology shall~~  
 11 ~~pay a fee of \$20 for the issuance of a license.~~  
 12 ~~(j) A person, firm, partnership, or corporation~~  
 13 ~~owning, operating, or conducting a school of cosmetology~~  
 14 ~~shall pay the sum of \$100 for a certificate of registration.~~  
 15 ~~(k) A person, firm, partnership, or corporation~~  
 16 ~~owning, operating, or conducting an advanced school of~~  
 17 ~~cosmetology shall pay the sum of \$100 for a certificate of~~  
 18 ~~registration.~~  
 19 ~~(l) A person, firm, partnership, or corporation~~  
 20 ~~owning, operating, or conducting a teacher training unit in~~  
 21 ~~a school of cosmetology shall pay the sum of \$100 for a~~  
 22 ~~certificate of registration.~~  
 23 ~~(m) An applicant for reciprocity licensure shall pay a~~  
 24 ~~fee of \$100.~~  
 25 ~~(n) Duplicate licenses or certificates of registration~~

1 ~~shall be issued on payment of \$4 and proof of necessity.~~  
 2 (2) The license and registration fees shall be paid  
 3 annually, unless otherwise provided by board rule, in  
 4 advance to the department.  
 5 (3) No other or additional license or registration fee  
 6 may be imposed by a municipal corporation or other political  
 7 subdivision of this state for the practice or teaching of  
 8 cosmetology."  
 9 Section 59. Section 37-32-305, MCA, is amended to  
 10 read:  
 11 "37-32-305. Fees -- renewal -- deposit of moneys  
 12 collected. (1) The fee for an original electrologist license  
 13 shall not exceed \$50 as ~~is~~ set by the board. The renewal  
 14 shall be automatic, unless revoked or suspended for cause,  
 15 and the renewal fee shall be set by the board.  
 16 (2) The fee for an original electrologist salon  
 17 license shall be the same as that for cosmetology salons.  
 18 The renewal fee shall be the same as that for cosmetology  
 19 salons.  
 20 (3) All licenses issued under this chapter expire on  
 21 December 31 and shall be renewed annually. Failure to renew  
 22 on or before December 31 shall cause a late renewal fee of  
 23 ~~\$10~~ prescribed by the board to be added to the regular  
 24 renewal fee. The right to renew by payment of the late  
 25 renewal fee expires after 3 years of nonpayment.

1 (4) All fees or moneys collected by the department  
2 under this chapter shall be deposited in the earmarked  
3 revenue fund for the use of the board in administration of  
4 the chapter."

5 Section 60. Section 37-33-302, MCA, is amended to  
6 read:

7 "37-33-302. Application -- qualifications -- fee. (1)  
8 A person wishing to engage in the occupation of a massage  
9 therapist in this state shall make application to the  
10 department on the form and in the manner prescribed by the  
11 board at least 15 days prior to a meeting of the board. Each  
12 applicant shall hold a diploma or credentials issued by a  
13 recognized, approved school of massage therapy certifying  
14 not less than 1,000 hours of study satisfactory to the  
15 school. Application shall be in writing and sworn to by  
16 some officer authorized to administer oaths and shall recite  
17 the history of the applicant's educational qualifications,  
18 how long he has studied massage therapy, from what school he  
19 holds a certificate, and the length of time he has engaged  
20 in the occupation of massage therapy, accompanying this with  
21 proof by a diploma or certificate and with satisfactory  
22 evidence of good character and reputation.

23 (2) There shall be paid to the department by an  
24 applicant for a license a fee of ~~\$35~~ prescribed by the board  
25 which shall accompany the application. An applicant failing

1 to pass the requirements is entitled, within 6 months, to a  
2 reexamination on payment of an additional fee of ~~\$10~~  
3 prescribed by the board but on a third failure may not  
4 reapply for a period of 1 year."

5 Section 61. Section 37-33-305, MCA, is amended to  
6 read:

7 "37-33-305. Admission of licensees from other states.  
8 Upon payment of the fee of ~~\$35~~ prescribed by the board as  
9 herein provided, persons licensed to engage in the  
10 occupation of massage therapist under the laws of any other  
11 state having equal requirements to this chapter may, in the  
12 discretion of the board, be issued a license to engage in  
13 the occupation of massage therapist in this state without  
14 examination."

15 Section 62. Section 37-33-306, MCA, is amended to  
16 read:

17 "37-33-306. Renewal. (1) A license expires on December  
18 31 of each year and shall be renewed then or thereafter, by  
19 the department, on payment of a renewal fee of ~~not less than~~  
20 ~~\$10 or more than \$50~~, as set by the board.

21 (2) Any licensee who fails to renew on or before  
22 December 31 of each year shall be required to pay, in  
23 addition to the renewal fee, a late renewal fee in an amount  
24 ~~not to exceed \$10~~ prescribed by the board. Failure to renew  
25 within 30 days following December 31 shall be cause for

1 suspension or revocation of the license."

2 Section 63. Section 37-40-303, MCA, is amended to  
3 read:

4 "37-40-303. Licensing sanitarians from other states.  
5 The department shall issue a license without examination to  
6 a person who applies to the department, pays a fee of--\$25  
7 ~~prescribed by the board~~, and submits satisfactory proof to  
8 the board that:

9 (1) he is of good moral character; and

10 (2) he is registered or licensed as a sanitarian in a  
11 state which has requirements comparable to those in this  
12 state."

13 Section 64. Section 37-40-304, MCA, is amended to  
14 read:

15 "37-40-304. Fees -- renewal. (1) An applicant for a  
16 license shall pay a fee set by the board in an amount  
17 commensurate with examination and administrative costs.

18 (2) A registered sanitarian may renew his license by  
19 paying an annual fee set by the board, ~~not to exceed \$10~~.

20 (3) Renewal fees are due July 1 of the renewal year.  
21 If the renewal fee is not paid, the license expires.  
22 Licenses which have lapsed for failure to pay renewal fees  
23 may be reissued under rules adopted by the board."

24 Section 65. Section 37-51-311, MCA, is amended to  
25 read:

1 "37-51-311. Fees -- deposit of fees. (1) The following  
2 fees ~~prescribed by the board~~ shall be charged by the  
3 department and paid into the earmarked revenue fund for the  
4 use of the board, subject to 37-1-101(6):

5 (a) ~~for each examination, a fee not to exceed \$25;~~

6 (b) ~~for each original resident broker's license~~  
7 ~~issued, a fee not to exceed \$50;~~

8 (c) ~~for each annual renewal of a resident broker's~~  
9 ~~license, a fee not to exceed \$30;~~

10 (d) ~~for each original nonresident broker's license~~  
11 ~~issued, a fee not to exceed \$50;~~

12 (e) ~~for each annual renewal of a nonresident broker's~~  
13 ~~license, a fee not to exceed \$30;~~

14 (f) ~~for each original salesman's license issued, a fee~~  
15 ~~not to exceed \$25;~~

16 (g) ~~for each annual renewal of a salesman's license, a~~  
17 ~~fee not to exceed \$15;~~

18 (h) ~~for each additional office or place of business~~  
19 ~~an annual fee not to exceed \$25;~~

20 (i) ~~for each change of place of business or change of~~  
21 ~~employer or contractual associate, a fee not to exceed \$15;~~

22 (j) ~~for each duplicate license when the original~~  
23 ~~license is lost or destroyed and affidavit is made, a fee~~  
24 ~~not to exceed \$10;~~

25 (k) ~~for each duplicate pocket card when the original~~



1 ~~pocket card is lost or destroyed and affidavit is made a~~  
2 ~~fee not to exceed \$10.~~

3 (2) The board shall charge ~~a \$5~~ an annual fee from a  
4 licensee who wishes to be placed in an inactive status. A  
5 licensee who is placed in an inactive status by the board  
6 and who has paid the required fee need not file a bond with  
7 the department as provided in 37-51-304.

8 (3) The board shall adopt a schedule of fees within  
9 the limits set by this section. However, a fee once set for  
10 one of the items for which a fee is charged cannot be  
11 increased or decreased until at least 1 year has passed  
12 since the fee for that particular item was last increased or  
13 decreased."

14 Section 66. Section 37-67-303, MCA, is amended to  
15 read:

16 "37-67-303. Application -- contents -- fees. (1)  
17 Applications for registration shall be on forms prescribed  
18 by the board and furnished by the department, shall contain  
19 statements made under oath showing the applicant's education  
20 and a detailed summary of his technical work, and shall  
21 contain not less than five references, of whom three or more  
22 shall be engineers or land surveyors having personal  
23 knowledge of his engineering or land surveying experience.

24 (2) The fee for engineer-in-training is as prescribed  
25 by the board ~~but may not exceed \$30, which and~~ shall

1 accompany the application and shall include the cost of one  
2 examination. No additional fee is required for issuance of a  
3 certificate.

4 (3) The application fee for registration as a  
5 professional engineer is as prescribed by the board ~~but may~~  
6 ~~not exceed \$40~~ for those holding an engineer-in-training  
7 certificate validated for Montana. For those holding a valid  
8 engineer-in-training certificate from some other state, the  
9 application fee is as prescribed by the board ~~but may not~~  
10 ~~exceed \$50~~ which includes cost of transfer of  
11 engineer-in-training certification and one examination. Upon  
12 approval of application for registration as a professional  
13 engineer, an additional fee equal to the existing renewal  
14 fee must be paid before issuance of a certificate as a  
15 professional engineer.

16 (4) The department, subject to approval by the board,  
17 may, on application and payment of a fee as prescribed by  
18 the board ~~but not to exceed \$60~~ issue a certificate of  
19 registration as a professional engineer to a person who  
20 holds a certificate of qualification or registration issued  
21 to him by the committee on national engineering  
22 certification of the national council of engineering  
23 examiners or by a state, territory, or possession of the  
24 United States or by another country if the applicant's  
25 qualifications meet the requirements of this chapter and the

1 rules of the board.

2 (5) The fee for land surveyor-in-training is as  
3 prescribed by the board ~~but may not exceed \$30~~, which shall  
4 accompany the application and shall include the cost of one  
5 examination. No additional fee is required for issuance of a  
6 certificate.

7 (6) The application fee for registration as a land  
8 surveyor is as prescribed by the board ~~but may not exceed~~  
9 ~~\$40~~ for those holding a land surveyor-in-training  
10 certificate validated in Montana. For those holding a valid  
11 land surveyor-in-training certificate from some other state,  
12 the application fee is as prescribed by the board ~~but may~~  
13 ~~not exceed \$50~~, which includes cost of transfer of the  
14 certification. No additional fee is required for issuance of  
15 a certificate. Upon approval of application for registration  
16 as a land surveyor, an additional fee equal to the existing  
17 renewal fee must be paid before issuance of a certificate as  
18 a land surveyor.

19 (7) The application fee for registration as both a  
20 professional engineer and land surveyor is as prescribed by  
21 the board ~~but may not exceed \$60~~ for those holding  
22 engineer-in-training and land surveyor-in-training  
23 certificates validated in Montana. For those holding valid  
24 engineer-in-training and land surveyor-in-training  
25 certificates from another state, the application fee is as

1 prescribed by the board ~~but may not exceed \$100~~. The fee  
2 shall accompany the application. Upon approval of  
3 application for registration as a professional engineer and  
4 land surveyor, an additional fee equal to the existing  
5 renewal fee must be paid before issuance of a certificate.

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

9 Section 67. Section 37-67-315, MCA, is amended to  
10 read:

11 "37-67-315. Annual renewal -- fee -- verification of  
12 competency. (1) Certificates of registration expire on  
13 December 31 of the appropriate year and become invalid on  
14 that date unless renewed. The department shall notify every  
15 person registered under this chapter of the date of the  
16 expiration of his certificate and the amount of the fee  
17 required for its renewal for 2 years. This notice shall be  
18 mailed at least 1 month in advance of the date of the  
19 expiration of the certificate. Renewal may be made during  
20 the month of December of the appropriate year by the payment  
21 of a fee ~~not to exceed \$60 biennially~~, as set by the board  
22 for either a professional engineer or land surveyor, or  
23 both.

24 (2) No certificate may be renewed unless the  
25 registrant submits a verified statement to the effect and

1 the board is satisfied that he has maintained competency by:

2 (a) the continued practice of engineering or land  
3 surveying; or

4 (b) engaging in other activities that provide for the  
5 maintenance of competency as prescribed by board rule.

6 (3) Failure on the part of a registrant to renew his  
7 certificate biennially in the month of December of the  
8 appropriate year does not deprive him of the right of  
9 renewal; however, a registrant who fails to pay the renewal  
10 fee for an additional renewal period shall be considered a  
11 new applicant and is required to submit a new application."

12 Section 68. Section 37-68-310, MCA, is amended to  
13 read:

14 "37-68-310. Annual renewal. Licenses of residential  
15 electricians, journeyman electricians, or master  
16 electricians, unless they have been suspended or revoked by  
17 the board, shall be renewed for a period of 1 year by the  
18 department on application for renewal made to the department  
19 prior to July 15 of the year in which the prior license  
20 expired and on the payment of an annual renewal fee. If  
21 application for renewal is not made prior to July 15, an  
22 additional fee of ~~\$5~~ prescribed by the board shall be paid  
23 on account of the delinquency in renewal. All applications  
24 for renewal must be made prior to August 15 of that year,  
25 otherwise the license is forfeited and the applicant is

1 required to pass the examination and pay the fees required  
2 of applicants for original licenses."

3 Section 69. Codification instruction. Section 1 is  
4 intended to be codified as an integral part of Title 37,  
5 chapter 1.

-End-

STATE OF MONTANA

REQUEST NO. 340-81

FISCAL NOTE

Form BD-15

In compliance with a written request received February 10, 19 81, there is hereby submitted a Fiscal Note for Senate Bill 412 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

Description of Proposed Legislation

An act to authorize and require licensing boards within the Department of Professional and Occupational Licensing to establish fee schedules that set fees reasonably commensurate with the costs incurred in administering the various program areas within their jurisdiction.

Assumptions

1. Assume all 30 boards will establish fees commensurate with costs and fees shall be reasonably related to program costs, unless otherwise provided by law.
2. Assume various fees will include but not be limited to fees for application, examination, renewal, reciprocity, late renewal, and continuing education.
3. Assume each board shall maintain records sufficient to support the fees charged for each program area.
4. Assume cost accounting will be applied to each program area with development of time and cost history.
5. Assume this work will require 1 FTE (Grade 12) to develop history of time and costs, present evidence to boards for setting of fees and continuing monitoring of same.

Fiscal Impact

	<u>Current Level</u>	<u>FY 1982</u>	<u>FY 1983</u>
Personal Services	\$ 0	\$15,869	\$15,869

Long Range Effects

All costs will be absorbed by board budgets.

*David M Lewis*

BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-16-81

## 1 STATEMENT OF INTENT

## 2 SENATE BILL 412

3 Senate Taxation Committee

4

5 A statement of intent is required for Senate Bill 412  
6 because it grants licensing boards within the Department of  
7 Professional and Occupational Licensing the authority to set  
8 fees.

9 Presently fees charged by most licensing boards are set  
10 by law. Whenever changed circumstances require a change in  
11 fees legislation is required. Each session several bills  
12 are introduced to modify board fees. By allowing boards to  
13 set their own fees, flexibility is provided the boards to  
14 meet changing circumstances. At the present time, fees set  
15 by law are not based upon actual costs incurred by licensing  
16 boards in carrying out their various functions.

17 It is the intent of the Legislature that fees set by  
18 licensing boards be reasonably related to the costs of the  
19 respective programs. "Programs" of the licensing boards are  
20 intended to be such areas of responsibility as applications,  
21 examinations, renewals, and reciprocity. "Reasonably  
22 related" is intended to mean that the department generally  
23 breaks down the costs associated with the various programs  
24 and sets each fee at a level to cover these costs and the  
25 costs of maintaining the ongoing operations of the board.

1 "Reasonably related" does not mean the department is  
2 required to maintain an exact system of actual costs, but  
3 rather means the department should generally allocate costs  
4 of the program equitably among the various fee categories.

5 First adopted by the Senate Taxation Committee on the  
6 21st day of February 1981.

## 1 SENATE BILL NO. 412

2 INTRODUCED BY S. BROWN, HIMSL

3 BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE

4  
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO AUTHORIZE AND  
 6 REQUIRE LICENSING BOARDS WITHIN THE DEPARTMENT OF  
 7 PROFESSIONAL AND OCCUPATIONAL LICENSING TO ESTABLISH FEE  
 8 SCHEDULES THAT SET FEES REASONABLY COMMENSURATE WITH THE  
 9 COSTS INCURRED IN ADMINISTERING THE VARIOUS PROGRAM AREAS  
 10 WITHIN THEIR JURISDICTION; AND AMENDING SECTIONS 37-3-308,  
 11 37-3-313, 37-4-303, 37-4-306, 37-4-307, 37-4-403, 37-4-404,  
 12 37-4-406, 37-5-302, 37-5-307, 37-6-302 THROUGH 37-6-304,  
 13 37-7-302, 37-7-303, 37-7-321, 37-8-406, 37-8-407, 37-8-418,  
 14 37-8-431, 37-9-304, 37-10-302, 37-10-307, 37-11-307 THROUGH  
 15 37-11-309, 37-12-302, 37-12-305, 37-12-307, 37-12-323,  
 16 37-13-302 THROUGH 37-13-306, 37-14-303, 37-14-305,  
 17 37-15-307, 37-16-402, 37-16-405, 37-16-407, 37-17-307,  
 18 37-18-307, 37-18-403, 37-18-405, 37-19-301, 37-19-303,  
 19 37-19-304, 37-19-306, 37-19-403, 37-30-307, 37-30-404,  
 20 37-30-423, 37-30-424, 37-31-312, 37-31-322, 37-31-323,  
 21 37-32-305, 37-33-302, 37-33-305, 37-33-306, 37-40-303,  
 22 37-40-304, 37-51-311, 37-67-303, 37-67-315, AND 37-68-310,  
 23 MCA."

24  
25 WHEREAS, most fees set by professional and occupational1 licensing boards are specified or limited in amount by law;  
2 and3 WHEREAS, such limitations are not necessarily serving  
4 the purpose intended in that the fees are not related to  
5 costs incurred and board revenues are insufficient in some  
6 cases and excessive in others.7 THEREFORE, it is the intent of this act to authorize  
8 and require such licensing boards to set fees reasonable  
9 related to the costs of administering the various programs  
10 under their jurisdiction.11  
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:13 NEW SECTION. Section 1. Licensing boards to establish  
14 fees commensurate with costs. All licensing boards allocated  
15 to the department shall set fees reasonably related to the  
16 respective program costs. Unless otherwise provided by law,  
17 each board within the department may establish fees  
18 including but not limited to fees for application,  
19 examination, renewal, reciprocity, late renewal, and  
20 continuing education. Each board shall maintain records  
21 sufficient to support the fees charged for each program  
22 area.23 Section 2. Section 37-3-308, MCA, is amended to read:  
24 "37-3-308. Examination and application fees -- further  
25 tax forbidden. (1) An applicant for a license to practice

1 medicine to be issued on the basis of an examination by the  
2 board shall pay an examination fee as set by the board. The  
3 board shall set the fee, and it shall be reasonable and  
4 commensurate with the costs of the examination and related  
5 costs. Such examination fee shall be in addition to the  
6 application fee.

7 (2) All applicants ~~except applicants for temporary~~  
8 ~~licenses shall pay an initial application fee of \$100.~~

9 ~~(3) An applicant for a temporary license shall pay an~~  
10 ~~initial fee of \$25 and \$25 for each renewal thereof,~~  
11 including applicants for a temporary license, shall pay an  
12 initial application fee as prescribed by the board.

13 ~~(4)(3) No license tax shall be imposed upon physicians~~  
14 ~~by a municipality or any other subdivision of the state."~~

15 Section 3. Section 37-3-313, MCA, is amended to read:

16 "37-3-313. Annual registration fees -- failure to pay  
17 -- limiting authority to impose registration fees. (1) In  
18 addition to the license fees required of applicants, a  
19 licensed physician actively practicing medicine in this  
20 state shall pay each year to the department an annual  
21 registration fee ~~not to exceed the sum of \$100,~~ as  
22 prescribed by the board. If a person licensed to practice  
23 medicine absents himself from the state for a period of 1 or  
24 more years or does not engage in active practice in this  
25 state, he may continue his license in good standing by

1 payment each year of a fee prescribed by the board ~~in an~~  
2 ~~amount not to exceed \$50~~ or, at the discretion of the board,  
3 he may be reinstated on the payment of a fee ~~not to exceed~~  
4 \$50 prescribed by the board for each year of absence or  
5 inactive practice.

6 (2) The annual payments for registration shall be made  
7 prior to April 1, and a receipt acknowledging payment of the  
8 annual registration fee shall be issued by the department.  
9 The department shall mail registration notices at least 60  
10 days before the registration is due.

11 (3) In case of default in the payment of the annual  
12 registration fee by a person licensed to practice medicine  
13 who is actively practicing medicine in this state, his  
14 underlying certificate to practice medicine may be revoked  
15 by the board on 30 days' notice given to the delinquent of  
16 the time and place of considering the revocation. A  
17 registered or certified letter addressed to the last-known  
18 address of the person failing to comply with the  
19 requirements of annual registration, as the address appears  
20 on the records of the department, constitutes sufficient  
21 notice of intention to revoke his underlying certificate. No  
22 certificate may be revoked for nonpayment if the person  
23 authorized to practice medicine, and notified, pays the  
24 annual registration fee before or at the time fixed for  
25 consideration of revocation, together with a delinquency

1 penalty ~~of \$10~~ prescribed by the board. The department may  
2 collect the dues by an action at law.

3 (4) No registration or license fee may be imposed on a  
4 licensee under this chapter by a municipality or any other  
5 subdivision of the state."

6 Section 4. Section 37-4-303, MCA, is amended to read:

7 "37-4-303. Certificate to be registered in county  
8 where practicing -- replacing lost certificate. (1) The  
9 certificate under this chapter entitles the holder to  
10 practice dentistry in any county in this state if the  
11 certificate is first filed for registration and registered  
12 in the office of the county clerk and recorder of the county  
13 in which the holder desires to practice. This chapter does  
14 not permit a holder of a certificate to practice in a county  
15 in this state unless the certificate has been first  
16 registered in the office of the clerk and recorder of the  
17 county. A holder of a certificate may practice in more than  
18 one or in any number of counties in this state on having the  
19 certificate registered in each of the counties in which the  
20 holder desires to practice.

21 (2) The department shall, on proof satisfactory to the  
22 board of the loss of a certificate issued under this  
23 chapter, issue a duplicate certificate, and a fee ~~of \$10~~ as  
24 prescribed by the board shall be charged for issuing the  
25 certificate."

1 Section 5. Section 37-4-306, MCA, is amended to read:  
2 "37-4-306. Admission of dentists from other states --  
3 reciprocity. (1) A dentist who has been lawfully licensed to  
4 practice in another state or territory which has and  
5 maintains a standard for the practice of dentistry or dental  
6 surgery which in the opinion of the board is equal to that  
7 at the time maintained in this state, is a graduate of an  
8 accredited 4-year high school or has actual scholastic  
9 credits equivalent to a 4-year high school course, is a  
10 graduate of a recognized dental school or college, has been  
11 lawfully and continuously engaged in the practice of  
12 dentistry for 5 years or more immediately before filing his  
13 application to practice in this state, and deposits in  
14 person with the department an attested certificate from the  
15 examining board of the state or territory in which he is  
16 registered or licensed, certifying to the fact of his  
17 registration and license and of his being a person of good  
18 moral character and of professional attainments, may, on the  
19 payment of a fee ~~of \$50~~ as prescribed by the board, and  
20 after satisfactory practical examination demonstrating his  
21 proficiency, be granted a license to practice dentistry in  
22 this state without being required to take an examination in  
23 theory.

24 (2) However, no license may be issued to an applicant  
25 without an examination in theory unless the state or



1 territory from which the certificate has been granted to the  
 2 applicant extends a like privilege to engage in the practice  
 3 of dentistry to dentists licensed by this state who move to  
 4 the other state. The board may enter into reciprocal  
 5 relations with similar boards of other states whose laws are  
 6 practically identical with this chapter."

7 Section 6. Section 37-4-307, MCA, is amended to read:

8 "37-4-307. Annual renewal fee -- absent registered  
 9 dentist -- default. (1) A licensed dentist practicing within  
 10 this state shall annually pay to the department before March  
 11 1, as a renewal fee for the year, a sum set by the board and  
 12 ~~not to exceed \$50. The board may increase or decrease the~~  
 13 ~~annual renewal fee to maintain in the earmarked revenue fund~~  
 14 ~~at all times an amount to be known as the emergency fund~~  
 15 ~~to be used for the purpose of administering, policing, and~~  
 16 ~~enforcing this chapter. The emergency fund shall be~~  
 17 ~~maintained at an approximate level of \$2,500.~~ Notice of the  
 18 change in the amount of renewal fees shall be given to each  
 19 dentist registered in this state by the department.

20 (2) If a registered dentist absents himself from the  
 21 state for a period of 1 or more years or does not engage in  
 22 active practice within this state, he may continue his  
 23 license in good standing by a payment set by the board each  
 24 year, ~~not to exceed \$25,~~ or at the discretion of the board,  
 25 he may be reinstated on the payment of a fee of ~~\$25~~

1 prescribed by the board for each year's absence. The annual  
 2 payments shall be made prior to March 1 of each year, and a  
 3 receipt or certificate shall be issued by the department.

4 (3) In case of default in payment of the annual  
 5 renewal fee by a dentist, his license shall be revoked by  
 6 the board on 30 days' notice given to the delinquent of the  
 7 time and place of considering the revocation. A registered  
 8 or certified letter addressed to the last-known address of  
 9 the party failing to comply with this requirement, as the  
 10 address appears on the records of the department,  
 11 constitutes sufficient notice of revocation of license, but  
 12 no license may be revoked for nonpayment if the dentist  
 13 notified pays the renewal fee plus a late payment penalty of  
 14 ~~\$10~~ prescribed by the board before or at the time fixed for  
 15 consideration of revocation. The department may maintain in  
 16 the name of this state a suit to collect renewal fees and  
 17 penalties applicable and to recover from the delinquent  
 18 dentist the cost of the action, including reasonable  
 19 attorneys' fees.

20 (4) No license fee or tax may be imposed on dentists  
 21 by a municipality or any other subdivision of the state."

22 Section 7. Section 37-4-403, MCA, is amended to read:

23 "37-4-403. Issuance of certificate -- fee. An  
 24 applicant who successfully passes the examination prescribed  
 25 by the board shall, on the payment of a fee of ~~\$15~~

1 prescribed by the board, be granted a license as a dental  
 2 hygienist and shall be registered in a record kept by the  
 3 department and shall receive a certificate, signed by the  
 4 members of the board, in a form prescribed by the board."

5 Section 8. Section 37-4-404, MCA, is amended to read:

6 "37-4-404. Admission of dental hygienists from other  
 7 states -- reciprocity. (1) On the payment of a fee of ~~of--\$20~~  
 8 prescribed by the board and after satisfactory practical  
 9 examination demonstrating his proficiency, a dental  
 10 hygienist may be granted a license to practice dental  
 11 hygiene in this state without being required to take an  
 12 examination in theory if he:

13 (a) has been lawfully licensed to practice in another  
 14 state or territory which has and maintains a standard for  
 15 the practice of dental hygiene which, in the opinion of the  
 16 board, is equal to that at the time maintained in this  
 17 state;

18 (b) has been lawfully and continuously engaged in the  
 19 practice of dental hygiene for a period of 1 year or more  
 20 immediately before filing his application to practice in  
 21 this state; and

22 (c) deposits in person with the department an attested  
 23 certificate from the examining board of the state or  
 24 territory in which he is registered or licensed, certifying  
 25 to the fact of his registration and license and of his being

1 a person of good moral character and of professional  
 2 attainments.

3 (2) Except as provided in subsection (3) of this  
 4 section, no license may be issued without an examination in  
 5 theory to the applicant unless the state or territory from  
 6 which the certificate has been granted extends a like  
 7 privilege to engage in the practice of dental hygiene to  
 8 dental hygienists licensed by this state who have moved to  
 9 the other state.

10 (3) A dental hygienist who has been lawfully licensed  
 11 to practice in another state or territory not having  
 12 reciprocity with this state but which has and maintains a  
 13 standard for the practice of dental hygiene which, in the  
 14 opinion of the board, is equal to that at the time  
 15 maintained in this state and who deposits in person with the  
 16 department an attested certificate from the examining board  
 17 of the state or territory in which he is registered or  
 18 licensed, certifying to the fact of his registration and  
 19 license and his being a person of good moral character and  
 20 of professional attainment, may, on the payment of a fee of  
 21 ~~\$20~~ as prescribed by the board, be granted a temporary  
 22 license authorizing the person to practice dental hygiene  
 23 from the time of the granting of the license until the time  
 24 of the next regular examination for dental hygiene set by  
 25 the board. No additional fee for the examination may be

1 charged.

2 (4) The board may enter into reciprocity agreements  
3 with other states or territories, the standards of which as  
4 to the practice of dental hygiene are, in the opinion of the  
5 board, equal to those of this state."

6 Section 9. Section 37-4-406, MCA, is amended to read:

7 "37-4-406. Annual renewal fee -- revocation of  
8 license. (1) Before March 1 of each year, a licensed dental  
9 hygienist shall pay to the department a renewal fee set by  
10 the board, ~~not to exceed \$25~~. In default of payment, the  
11 board may, after hearing and on 30 days' notice, revoke the  
12 license of the hygienist in default; but the payment of the  
13 renewal fee on or before the time of hearing, with an  
14 additional sum set by the board, ~~not to exceed \$10~~, excuses  
15 the default. The department may collect the fee by suit.

16 (2) The board may likewise revoke or suspend the  
17 license of a dental hygienist for violating this chapter."

18 Section 10. Section 37-5-302, MCA, is amended to read:

19 "37-5-302. Examination -- examination fee. (1) A  
20 person commencing the practice of osteopathy in this state,  
21 in any of its branches, shall apply to the department for a  
22 license to do so, and the applicant, at the time and place  
23 designated by the board, shall submit to an examination in  
24 the following subjects: anatomy, physiology, chemistry,  
25 pathology, bacteriology, gynecology, obstetrics, and theory

1 and practice of osteopathy and other subjects taught in  
2 well-regulated and recognized schools of osteopathy and  
3 considered advisable by the board and shall present evidence  
4 of having actually attended, as required in 37-5-301, a  
5 legally authorized and regularly conducted school of  
6 osteopathy recognized by the board, except as otherwise  
7 provided in 37-5-201.

8 (2) Examination papers on subjects peculiar to  
9 osteopathy shall be graded by the department, subject to  
10 37-1-101. The examination shall be scientific and practical,  
11 but of sufficient severity to test the candidate's fitness  
12 to practice osteopathy.

13 (3) After examination the department shall issue a  
14 license to practice osteopathy in this state to applicants  
15 who pass the examination, which license shall be granted by  
16 not less than two members of the board, attested by the  
17 board's seal.

18 (4) The fee for the examination and license ~~is~~ ~~\$20~~  
19 shall be prescribed by the board."

20 Section 11. Section 37-5-307, MCA, is amended to read:

21 "37-5-307. Renewal fee. (1) A person holding a  
22 certificate to practice under this chapter and who is in  
23 active practice in this state shall before April 1 of each  
24 year pay a renewal fee of ~~\$15~~ prescribed by the board to the  
25 department, and a person holding a certificate to practice

1 under this chapter who is not in active practice shall  
 2 before April 1 of each year pay a renewal fee of ~~47.50~~  
 3 prescribed by the board to the department. The department  
 4 shall before March 15 of each year send a notice to each  
 5 person holding a valid certificate to practice under this  
 6 chapter and from whom a fee is due stating that the fee is  
 7 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 a maximum fee prescribed  
 13 by the board if the lapsed fees exceed ~~that amount the~~  
 14 maximum fee."

15 Section 12. Section 37-6-302, MCA, is amended to read:

16 "37-6-302. Qualifications for licensure -- exemptions  
 17 from examination. (1) Examinations shall be held at places  
 18 and times the board directs. Persons who wish to begin the  
 19 practice of podiatry in this state shall make application,  
 20 on a form authorized by the state board of podiatry  
 21 examiners and furnished by the department, for a license to  
 22 practice podiatry. The license may be granted to applicants  
 23 after they have furnished satisfactory proof of good moral  
 24 character, of having attained high school graduation or its  
 25 equivalent, of having at least 4 years or equivalent time in

1 quarter or semester hours of instruction in an accredited  
 2 college of podiatry recognized as being in good standing by  
 3 the board and have successfully passed the examination.

4 (2) A license without written examination may be  
 5 granted to podiatrists of other states maintaining equal  
 6 statutory requirements for the practice of podiatry and  
 7 extending the same reciprocal privilege to this state if  
 8 they have had a valid license and practiced for at least 2  
 9 preceding years in that state prior to filing for reciprocal  
 10 privilege and by payment of \$50 a fee prescribed by the  
 11 board to the department.

12 (3) A license may be granted, at the discretion of the  
 13 board and upon payment of \$50 a fee prescribed by the board  
 14 to the department, if the applicant has successfully  
 15 completed the national podiatry board examination and after  
 16 a personal interview by the board."

17 Section 13. Section 37-6-303, MCA, is amended to read:

18 "37-6-303. Examination -- subjects -- fees --  
 19 reexamination. (1) A person not exempt from examination  
 20 under 37-6-302 and desiring a license to practice podiatry  
 21 shall be examined in the following subjects: anatomy,  
 22 chemistry, dermatology, diagnosis, materia medica,  
 23 pathology, physiology, therapeutics, clinical and orthopedic  
 24 podiatry, histology, bacteriology, pharmacy, neurology,  
 25 surgery (minor), podiatry, foot orthopedics, shoe therapy,

1 physiotherapy, roentgenology, hygiene and sanitation,  
2 ethics, and culture, limited in their scope to the treatment  
3 of the human foot, and, if qualified, shall receive a  
4 license. The minimum requirements for a license are a  
5 general average of 75% in all the subjects involved and not  
6 less than 50% in any one subject.

7 (2) An examination and license fee of ~~\$35~~ prescribed  
8 by the board shall be paid to the department.

9 (3) An applicant failing the examination and being  
10 refused a license is entitled within 6 months of the refusal  
11 to a reexamination, but one reexamination exhausts his  
12 privilege under the original examination."

13 Section 14. Section 37-6-304, MCA, is amended to read:

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

24 (2) Licenses shall be recorded by the department the  
25 same as other medical licenses. The person receiving the

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

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

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

16 Section 15. Section 37-7-302, MCA, is amended to read:

17 "37-7-302. Examination -- qualifications -- fees --  
18 reciprocity. (1) The department shall give reasonable notice  
19 of examinations by mail to known applicants. The department  
20 shall record the names of persons examined, together with  
21 the grounds on which the right of each to examination was  
22 claimed, and also the names of persons registered by  
23 examination or otherwise.

24 (2) The fee for an examination shall be set by the  
25 board at a figure commensurate with costs, which fee may in

1 the discretion of the board be returned to applicants not  
 2 taking the examination. On again making payment of the fee,  
 3 an applicant who fails is entitled to take the next  
 4 succeeding examination free of charge.

5 (3) The fee for registration by reciprocity ~~is~~ ~~\$200~~  
 6 shall be prescribed by the board.

7 (4) To be entitled to examination as a pharmacist, the  
 8 applicant shall be a citizen of the United States, of good  
 9 moral character, and a graduate of the school of pharmacy of  
 10 the university of Montana or of a college or school of  
 11 pharmacy recognized and approved by or a member of the  
 12 American association of colleges of pharmacy; but the  
 13 applicant may not receive a registered pharmacist's license  
 14 until he has complied with the internship requirements  
 15 established by the board. During this period, if the  
 16 applicant has passed the examination, he shall be licensed  
 17 as an intern only.

18 (5) The board may in its discretion authorize the  
 19 department to grant registration without examination to a  
 20 pharmacist licensed by a board of pharmacy or a similar  
 21 board of another state which accords similar recognition to  
 22 licensees of this state if the requirements for registration  
 23 in the other state are, in the opinion of the board,  
 24 equivalent to the requirements of this chapter.

25 (6) Every person licensed and registered under this

1 chapter shall receive from the department an appropriate  
 2 certificate attesting the fact, which shall be conspicuously  
 3 displayed at all times in his place of business. If the  
 4 holder is entitled to manage or conduct a pharmacy in this  
 5 state for himself or another, the fact shall be set forth in  
 6 the certificate."

7 Section 16. Section 37-7-303, MCA, is amended to read:  
 8 "37-7-303. Annual renewal fee. (1) A person licensed  
 9 and registered by the department shall annually pay to the  
 10 department before June 30 a renewal of registration fee of  
 11 ~~\$15~~ prescribed by the board. A default in the payment of a  
 12 renewal fee for a period of 30 days after the date it is due  
 13 increases the renewal fee to ~~\$30~~ as prescribed by the board.  
 14 It is unlawful for a person who refuses or fails to pay the  
 15 renewal fee to practice pharmacy in this state. A  
 16 certificate and renewal expires at the time prescribed, not  
 17 later than 1 year from its date. A defaulter in a renewal  
 18 fee may be reinstated within 1 year of the default without  
 19 examination on payment of the arrears and compliance with  
 20 the continuing education provisions of this chapter.

21 (2) The board may charge an additional fee ~~of up to~~  
 22 ~~\$10~~ for such license renewal to be used in administering the  
 23 continuing education provisions of this chapter."

24 Section 17. Section 37-7-321, MCA, is amended to read:  
 25 "37-7-321. Store license -- certified pharmacy license

1 -- suspension or revocation. (1) The department shall, on  
 2 application on forms prescribed by the board and on the  
 3 payment of an annual fee of ~~-\$10~~ prescribed by the board,  
 4 license stores other than pharmacies in which are sold  
 5 ordinary household or medicinal drugs prepared in sealed  
 6 packages or bottles by a manufacturer qualified under the  
 7 laws of the state in which the manufacturer resides. The  
 8 name and address of the manufacturer shall appear  
 9 conspicuously on each package sold by the licensee. It is  
 10 unlawful for a store to sell, deliver, or give away  
 11 household medicinal drugs without first having secured a  
 12 license and thereafter keeping it in force by proper  
 13 renewal. This subsection does not prevent a vendor from  
 14 selling a patent or proprietary medicine in the original  
 15 package when plainly labeled or nonmedical articles usually  
 16 sold by vendors.

17 (2) The board shall provide for the original  
 18 certification and annual renewal by the department of every  
 19 pharmacy doing business in this state. On presentation of  
 20 evidence satisfactory to the board and on application on a  
 21 form prescribed by the board and on the payment of an  
 22 original certification fee of ~~-\$100~~ prescribed by the board,  
 23 the department shall issue a license to a pharmacy as a  
 24 certified pharmacy. However, the license may be granted only  
 25 to pharmacies operated by registered pharmacists or

1 registered interns qualified under this chapter. The annual  
 2 renewal fee for a pharmacy shall be set by the board in an  
 3 amount not to exceed ~~-\$50~~. Any default in the payment of  
 4 such renewal fee for a period of 30 days after the date the  
 5 same is due shall increase the renewal fee to ~~the sum of~~  
 6 ~~\$100~~ as prescribed by the board. The license must be  
 7 displayed in a conspicuous place in the pharmacy for which  
 8 it is issued and expires on June 30 following the date of  
 9 issue. It is unlawful for a person to conduct a pharmacy,  
 10 use the word "pharmacy" to identify his business, or use the  
 11 word "pharmacy" in advertising unless a license has been  
 12 issued and is in effect.

13 (3) The board may suspend, revoke, or refuse to renew  
 14 a store or pharmacy license:

15 (a) obtained by false representation or fraud;

16 (b) when the pharmacy for which the license is issued  
 17 is kept open for the transaction of business without a  
 18 pharmacist in charge;

19 (c) when the person to whom the license is granted has  
 20 been convicted of:

21 (i) a violation of parts 1 through 3 of this chapter;

22 (ii) a felony; or

23 (iii) a violation of the Federal Food, Drug, and  
 24 Cosmetic Act of June 25, 1938, (52 Stats. 1040 through  
 25 1059);

1 (d) when the person to whom the license is granted is  
2 a natural person whose pharmacist or intern license has been  
3 revoked; or

4 (e) when the store or pharmacy is conducted in  
5 violation of parts 1 through 3 of this chapter.

6 (4) Before a license can be revoked, the holder is  
7 entitled to a hearing by the board."

8 Section 18. Section 37-8-406, MCA, is amended to read:

9 "37-8-406. Professional nursing -- examination -- fee.  
10 An applicant for a license to practice professional nursing  
11 is required to pass a written examination in subjects the  
12 board, acting under the professional nursing administration,  
13 determines. A written examination may be supplemented by an  
14 oral or practical examination. On successfully passing the  
15 examination, the department shall issue to the applicant a  
16 license to practice nursing as a registered professional  
17 nurse. The applicant shall pay a fee of ~~of-\$35~~ prescribed by  
18 the board at the time the application is submitted, which  
19 shall be returned to the applicant if the application is  
20 withdrawn not later than 5 days prior to the date of  
21 examination or if the examination is not taken, subject to  
22 deduction by the department of ~~\$1~~ an amount prescribed by  
23 the board per subject of the examination which shall be  
24 retained by the department."

25 Section 19. Section 37-8-407, MCA, is amended to read:

1 "37-8-407. Reciprocity -- professional nursing. (1)  
2 The board--professional nursing administration may issue  
3 without examination a license to practice nursing as a  
4 registered professional nurse to an applicant who has been  
5 licensed or registered as a professional nurse under the  
6 laws of another state or territory if in the opinion of the  
7 board the applicant meets the qualifications required of  
8 registered nurses in this state at the time the applicant  
9 graduated from a school of nursing. The applicant shall pay  
10 a fee of ~~of-\$35~~ prescribed by the board at the time the  
11 application is submitted, which shall be returned to the  
12 applicant if the application is withdrawn not later than 5  
13 days prior to final submission of the application to the  
14 board, subject to deduction of \$5 an amount prescribed by  
15 the board to be retained by the department.

16 (2) An applicant may, pending licensure as a  
17 professional nurse under subsection (1) of this section,  
18 practice professional nursing as an employee of a health  
19 care agency for a period not longer than 3 months from the  
20 date the department acknowledges receiving from the nurse a  
21 completed statement, on a form provided by the department,  
22 of intention to practice. The statement shall consist of an  
23 affidavit by the nurse and an affidavit by the employer  
24 where the nurse intends to practice professional nursing.  
25 The affidavit of the nurse and the affidavit of the employer



1 shall contain the information deemed by the board necessary  
2 for the statement.

3 (3) Subsection (2) does not permit the nurse to  
4 practice for more than a 3-month period or in any event  
5 after being notified by the board through the department  
6 that the application for a license has been denied or in all  
7 cases after being notified by the board through the  
8 department to cease and desist this practice. Notice shall  
9 be given by registered or certified mail to the address of  
10 the applicant as it appears in the statement of the  
11 applicant."

12 Section 20. Section 37-8-418, MCA, is amended to read:

13 "37-8-418. Licensed practical nursing -- application  
14 fee. An applicant for a license to practice as a licensed  
15 practical nurse shall pay a fee of ~~-\$35~~ prescribed by the  
16 board to the department at the time the application is  
17 submitted, which fee shall be returned to the applicant if  
18 the application is withdrawn not later than 5 days prior to  
19 the date of examination or the final submission to the board  
20 of application for endorsement without examination, subject  
21 to a deduction of ~~-\$5~~ an amount prescribed by the board to be  
22 retained by the department."

23 Section 21. Section 37-8-431, MCA, is amended to read:

24 "37-8-431. Renewal of license. (1) The license of a  
25 person licensed under this chapter must be annually renewed.

1 Before December 1 of each year, the department shall mail an  
2 application form for renewal of license to every person to  
3 whom a license was issued or renewed during the year. The  
4 applicant shall carefully complete and subscribe the  
5 application form and return it to the department with a  
6 renewal fee of ~~-\$10~~ prescribed by the board before January 1.

7 (2) The board may increase or decrease the annual  
8 license fee so as to maintain in the earmarked revenue fund  
9 at all times an adequate amount to be used for the purpose  
10 of administering, policing, and enforcing the provisions of  
11 this chapter. On receipt of the application and fee, the  
12 department shall verify the accuracy of the application  
13 against its record and from other sources the board  
14 considers reliable and issue to the applicant a certificate  
15 of renewal for the current year beginning January 1 and  
16 expiring December 31 following. The certificate of renewal  
17 renders the holder a legal practitioner of nursing for the  
18 period stated in the certificate of renewal.

19 (3) A licensee who allows his license to lapse by  
20 failing to renew the license may be reinstated by the board  
21 on satisfactory explanation for the failure to renew license  
22 and on payment of the current renewal fee prescribed by the  
23 board.

24 (4) A person practicing nursing during the time  
25 following the date his license has expired is an illegal

1 practitioner and is subject to the penalties provided for  
2 violations of this chapter."

3 Section 22. Section 37-9-304, MCA, is amended to read:

4 "37-9-304. Fees. (1) Each person who applies for  
5 licensure, whether by waiver, examination, or reciprocity,  
6 shall be required to pay a fee of ~~\$25~~ prescribed by the  
7 board at the time of application.

8 (2) Each person licensed as a nursing home  
9 administrator shall be required to pay a license fee in an  
10 amount to be fixed by the board ~~not to exceed \$100~~. A  
11 license shall expire on December 31 in the year for which it  
12 is issued and shall be renewable annually upon timely  
13 payment of the license fee.

14 (3) Each person registered as an inactive nursing home  
15 administrator shall be required to pay a registration fee in  
16 the amount of ~~not more than \$25~~ fixed by the board. An  
17 inactive registration shall expire on December 31 in the  
18 year for which it is issued and shall be renewable annually  
19 upon timely payment of the inactive registration fee.

20 (4) The fee for issuing a duplicate license shall be  
21 ~~\$10~~ fixed by the board."

22 Section 23. Section 37-10-302, MCA, is amended to  
23 read:

24 "37-10-302. Examination -- qualifications --  
25 application -- issuance of certificate. (1) The board shall

1 adopt rules relative to and governing the qualifications of  
2 applicants for certificates of registration as optometrists.  
3 If the applicant does not meet the requirements of the  
4 rules, he is not eligible to take an examination to practice  
5 optometry in this state. If the applicant meets the  
6 requirements of the rules, he must pass an examination given  
7 by the department, subject to 37-1-101. Examinations shall  
8 be practical in character and designed to ascertain the  
9 applicant's fitness to practice the profession of optometry  
10 and shall be conducted in the English language. The  
11 department shall publish and distribute the examination  
12 requirements for a certificate to practice optometry in this  
13 state. The board may accept the grades an applicant has  
14 received in the written examinations given by the national  
15 board of examiners in optometry.

16 (2) No person is eligible to take the examination  
17 unless he is 18 years of age, a citizen of the United  
18 States, and of good moral character.

19 (3) No person is eligible to take the examination  
20 unless he has certificates of graduation from an accredited  
21 high school and from a school of optometry in which the  
22 practice and science of optometry is taught in a course of  
23 study covering 8 semesters or 4 years of actual attendance  
24 and which is accredited by the international association of  
25 boards of examiners in optometry. Instead of the

1 certificates of graduation, an applicant for examination  
2 may, with like effect, furnish an affidavit that he has  
3 practiced optometry exclusively for a period of at least 6  
4 years in some other state or states.

5 (4) A person desiring to be examined in optometry  
6 shall file an application, in the manner prescribed by the  
7 board, at least 4 weeks before the examination is held, and  
8 a fee of ~~-\$25~~ prescribed by the board shall accompany the  
9 application.

10 (5) A person successfully passing the examination  
11 shall be registered in a register which shall be kept by the  
12 department, and on the payment of a fee of ~~-\$10~~ prescribed by  
13 the board shall receive a certificate of registration signed  
14 by the members of the board."

15 Section 24. Section 37-10-307, MCA, is amended to  
16 read:

17 "37-10-307. Annual renewal -- fee. A registered  
18 optometrist who desires to continue the practice of  
19 optometry in this state shall annually before July 2 of each  
20 year pay to the department a renewal fee ~~not-to-exceed-the~~  
21 ~~sum-of-\$50,~~ prescribed by the board in return for which a  
22 renewal of registration shall be issued. If a person fails  
23 or neglects to procure his annual renewal of registration,  
24 his certificate of registration shall be revoked by the  
25 board; however, no certificate of registration may be

1 revoked without 90 days' notice having been given to the  
2 delinquent, who within this period may renew his certificate  
3 of registration on the payment of the renewal fee with a  
4 penalty of ~~-\$35~~ prescribed by the board."

5 Section 25. Section 37-11-307, MCA, is amended to  
6 read:

7 "37-11-307. Applicants licensed in other states. The  
8 board may, in its discretion, authorize the department to  
9 license as a physical therapist, without examination, on the  
10 payment of the required fee, ~~not-to-exceed-\$100,~~ as  
11 established by the board, an applicant for license who is a  
12 physical therapist licensed under the laws of another state  
13 or territory if the requirements for a license for physical  
14 therapists in the state or territory in which the applicant  
15 was licensed were at the date of his license substantially  
16 equal to the requirements in force in this state. However,  
17 the board may require a written, oral, or practical  
18 examination."

19 Section 26. Section 37-11-308, MCA, is amended to  
20 read:

21 "37-11-308. Annual renewal of license -- fee. A  
22 licensed physical therapist shall, during January, apply to  
23 the department for a renewal of his license and pay a fee  
24 ~~not-to-exceed-\$50~~ which shall be set by board rule. A  
25 license that is not renewed before April every year

1 automatically lapses. The board may, in its discretion,  
2 revive and renew a lapsed license on the payment of all past  
3 unpaid renewal fees or a late renewal fee."

4 Section 27. Section 37-11-309, MCA, is amended to  
5 read:

6 "37-11-309. Temporary license. (1) On payment to the  
7 department of a fee ~~not to exceed \$100~~ which shall be set by  
8 board rule and the submission of a written application on  
9 forms provided by it, the department shall issue, without  
10 examination, a temporary license to practice physical  
11 therapy in this state for a period not to exceed 1 year to a  
12 person who meets the qualifications set forth in 37-11-303,  
13 on submission by the person of evidence satisfactory to the  
14 board that he is in this state on a temporary basis to  
15 assist in a case of medical emergency or to engage in a  
16 special physical therapy project.

17 (2) On the submission of a written application on  
18 forms provided by it, the department shall issue a temporary  
19 license to a person who has applied for a license under this  
20 chapter and who is, in the judgment of the board, eligible  
21 to take the examination provided for in 37-11-303. This  
22 temporary license is available to an applicant only with  
23 respect to his first application for a license under  
24 37-11-307, or to a foreign-trained physical therapist, and  
25 the license expires when the board makes a final

1 determination with respect to the application."

2 Section 28. Section 37-12-302, MCA, is amended to  
3 read:

4 "37-12-302. Applications -- qualifications -- fees.

5 (1) A person wishing to practice chiropractic in this state  
6 shall make application to the department, on the form and in  
7 the manner prescribed by the board, at least 21 days prior  
8 to a meeting of the board. Each applicant shall be a  
9 graduate of a college of chiropractic approved by the board,  
10 in which he has attended a course of study of 4 school years  
11 of not less than 9 months each, and shall present evidence  
12 showing completion of 2 full academic years of college or  
13 university work from an institution acceptable to the board  
14 of regents of higher education. Application shall be made  
15 in writing and shall be sworn to by an officer authorized to  
16 administer oaths and shall recite the history of applicant's  
17 educational qualifications, how long he has studied  
18 chiropractic, of what school or college he is a graduate,  
19 and the length of time he has been engaged in practice. The  
20 application shall be accompanied with proofs by diplomas,  
21 certificates, etc., and satisfactory evidence of good  
22 character and reputation.

23 (2) There shall be paid to the department by an  
24 applicant for a license a fee ~~of--\$50~~ prescribed by the  
25 board. Like fees shall be paid for a subsequent examination

1 and application."

2 Section 29. Section 37-12-305, MCA, is amended to  
3 read:

4 "37-12-305. Licensing chiropractors from other states  
5 without examination. Persons licensed to practice  
6 chiropractic under the laws of any other state having  
7 chiropractic educational requirements equal to this chapter  
8 may, in the discretion of the board, be issued a license to  
9 practice in this state without examination upon payment of  
10 the fee of ~~-\$50~~ prescribed by the board as herein provided."

11 Section 30. Section 37-12-307, MCA, is amended to  
12 read:

13 "37-12-307. Annual renewal of license -- fee --  
14 continuing education required. A license expires on  
15 September 1 of each year and shall be renewed by the  
16 department on payment of a renewal fee of ~~not more than \$50~~  
17 as set by the board, and the presentation of evidence  
18 satisfactory to the board that the licensee, in the year  
19 preceding the application for renewal, attended and  
20 successfully completed a postgraduate educational program  
21 for chiropractors consisting of monitored classroom time  
22 conducted by instructors from accredited colleges of  
23 chiropractic in subjects designated and approved by the  
24 board. However, the board may authorize the department to  
25 issue renewals, but not consecutive renewals, on a showing

1 satisfactory to the board that attendance at the educational  
2 programs was unavoidably prevented; and new licensees during  
3 the 6 months preceding September 1, by examination, shall be  
4 granted renewal licenses without attending the educational  
5 programs."

6 Section 31. Section 37-12-323, MCA, is amended to  
7 read:

8 "37-12-323. Reconsideration of board action -- fee for  
9 restoration of license. (1) At any time after refusal,  
10 suspension, or revocation of license or placement on  
11 probation or any other disciplinary action, the board may,  
12 on its own motion or on application, reconsider its prior  
13 action and reverse, rescind, or modify such action.

14 (2) A person whose license has been revoked and later  
15 restored shall pay a fee of ~~-\$50~~ prescribed by the board for  
16 the restoration."

17 Section 32. Section 37-13-302, MCA, is amended to  
18 read:

19 "37-13-302. Application for examination -- fee --  
20 qualifications. (1) Each person desiring to practice  
21 acupuncture in this state shall make application for  
22 examination with the secretary of the board, upon the forms  
23 and in the manner as prescribed by the board, at least 30  
24 days before the date set by the board for the commencement  
25 of the examination. An examination fee of ~~-\$50~~ prescribed by

1 the board shall accompany the application.

2 (2) A person making application shall furnish the  
3 board evidence that he is:

4 (a) at least 18 years of age;

5 (b) a citizen of the United States or has filed a  
6 properly executed declaration of intention to become a  
7 citizen of the United States;

8 (c) of good moral character, as determined by the  
9 board; and

10 (d) a graduate of an approved school of acupuncture or  
11 has completed a course in acupuncture approved by the  
12 board."

13 Section 33. Section 37-13-303, MCA, is amended to  
14 read:

15 "37-13-303. Examination -- scope -- retention and  
16 inspection of examination papers -- reexamination. (1) Any  
17 applicant meeting the requirements of this chapter shall be  
18 admitted to an assembled examination to be conducted by the  
19 board. An examination shall be held at least twice a year.  
20 The examination shall be practical in character and  
21 sufficiently thorough to test the fitness of the applicant  
22 to practice acupuncture. The examination shall be in  
23 writing, insofar as the board shall deem practicable, and  
24 shall cover such subjects as prescribed in the curriculum  
25 and taught in the schools which offer courses leading to the

1 degree of doctor of acupuncture, master of acupuncture,  
2 master acupuncturist, or their equivalent. Demonstration of  
3 the applicant's skill in the practice of acupuncture may  
4 also be required.

5 (2) Examination papers of any applicant shall be  
6 retained 2 years by the secretary of the board and may then  
7 be destroyed. While retained the examination papers shall be  
8 open to inspection only by board members, the applicant, or  
9 by some person appointed by the applicant to examine them or  
10 by a court of competent jurisdiction in a proceeding where  
11 the question of the contents of the papers is properly  
12 involved.

13 (3) Any applicant failing to pass his first  
14 examination before the board may, at any subsequent meeting  
15 of the board held for the purpose of examining candidates,  
16 if otherwise qualified, take subsequent examinations upon  
17 payment of the fee of ~~of \$25~~ prescribed by the board for each  
18 examination."

19 Section 34. Section 37-13-304, MCA, is amended to  
20 read:

21 "37-13-304. Issuance of certificate of license --  
22 license fee. All applicants successfully passing the  
23 examination required by this chapter shall be registered as  
24 licensed acupuncturists in the board register and, upon the  
25 payment of a \$20 license fee, prescribed by the board, shall

1 be issued a certificate of license in such form as  
2 prescribed by the board. The certificate shall bear the  
3 official seal of the board."

4 Section 35. Section 37-13-305, MCA, is amended to  
5 read:

6 "37-13-305. Admission of licensees from other states.  
7 A license without examination may be issued by the board to  
8 any acupuncturist licensed or certified in another state  
9 where the licensing or certification requirements are  
10 substantially equivalent to the requirements of this  
11 chapter, upon payment of the license fee of ~~of-\$20~~ prescribed  
12 by the board as herein provided."

13 Section 36. Section 37-13-306, MCA, is amended to  
14 read:

15 "37-13-306. Annual renewal -- fee -- military  
16 exemption. (1) The license to practice acupuncture shall  
17 expire on December 31 of each calendar year and shall be  
18 renewed without examination upon request of the licensee.  
19 The request for renewal shall be on forms prescribed by the  
20 board and accompanied by a renewal fee of ~~of-\$20~~ prescribed by  
21 the board. The request and fee shall be in the hands of the  
22 secretary of the board not later than the expiration date of  
23 the license.

24 (2) On or before December 1 of each calendar year, the  
25 secretary of the board shall notify each licensee by letter,

1 addressed to his last place of residence as the same appears  
2 on the records of the board, that his license will expire on  
3 December 31 following the date of notice unless application  
4 for renewal, accompanied by the annual renewal fee, is  
5 received by the board on or prior to that date.

6 (3) Immediately following December 31 of each calendar  
7 year, the secretary shall notify all licensees from whom  
8 requests for renewal, accompanied by the renewal fee, have  
9 not been received that their licenses have expired and that  
10 they will be cancelled and revoked upon the records of the  
11 board unless a request for renewal and reinstatement,  
12 accompanied by the renewal fee and an additional fee of ~~of-\$5~~  
13 prescribed by the board, shall be in the hands of the  
14 secretary prior to February 1 following the expiration date.

15 (4) Immediately following February 1 of each calendar  
16 year, the secretary of the board shall cancel and revoke  
17 upon its records all licenses which have not been renewed or  
18 reinstated as provided by this chapter and shall notify the  
19 licensees whose licenses are so revoked of such action.

20 (5) Any licensee who allows his license to lapse by  
21 failing to renew or reinstate the same as herein provided  
22 may subsequently reinstate the same upon good cause shown to  
23 the satisfaction of the board and upon payment of all annual  
24 renewal fees then accrued plus an additional fee of ~~of--\$5~~  
25 prescribed by the board for each year following the

1 cancelling of the license.

2 (6) Any person actively engaged in the military  
3 service of the United States and licensed to practice  
4 acupuncture as herein provided shall not be required to pay  
5 the annual renewal fee or make application for renewal until  
6 December 31 of the calendar year in which he returns from  
7 military service to civilian or inactive status."

8 Section 37. Section 37-14-303, MCA, is amended to  
9 read:

10 "37-14-303. Examination -- application fee. (1)  
11 Examinations for licensure as a radiologic technologist  
12 shall include a written portion and may also include  
13 practical and oral portions as established by the board.

14 (2) The board shall provide applicants for licensure  
15 the opportunity for examinations at intervals not to exceed  
16 6 months.

17 (3) A nonrefundable examination fee, established by  
18 the board ~~but not to exceed \$50~~, shall be submitted prior to  
19 examination for licensure. An applicant failing the  
20 examination shall be charged a nonrefundable application fee  
21 for any subsequent examination. An applicant failing any  
22 subsequent examination is not eligible for reexamination  
23 until 12 months following the last failed examination."

24 Section 38. Section 37-14-305, MCA, is amended to  
25 read:

1 "37-14-305. Issuance of license or permit -- fee. The  
2 board shall issue a license or permit to each applicant who  
3 has submitted a nonrefundable licensing fee set by the  
4 board ~~not to exceed \$50~~, and has met the requirements of  
5 this chapter."

6 Section 39. Section 37-15-307, MCA, is amended to  
7 read:

8 "37-15-307. Application and examination fee -- license  
9 fee. The amount of fees prescribed in connection with a  
10 license as a speech pathologist or audiologist shall be as  
11 ~~follows: the exact fee to be~~ determined by the board each  
12 year based on costs and predicted expenditures:

13 (1) ~~application and examination fee for a license, no~~  
14 ~~less than \$50 or more than \$100~~

15 (2) ~~license fee and renewal thereof, no less than~~  
16 ~~or more than \$100.~~

17 Section 40. Section 37-16-402, MCA, is amended to  
18 read:

19 "37-16-402. Application -- qualifications -- fee. An  
20 applicant for a license shall pay a fee ~~of \$50~~ prescribed by  
21 the board and shall show to the satisfaction of the board  
22 that he:

23 (1) is a person of good moral character;

24 (2) has an education equivalent to a 4-year course in  
25 an accredited high school or has continuously engaged in the



1 practice of fitting and dispensing hearing aids during the 3  
2 years preceding the date of application;

3 (3) is free of contagious or infectious disease."

4 Section 41. Section 37-16-405, MCA, is amended to  
5 read:

6 "37-16-405. Temporary license. (1) An applicant who  
7 fulfills the requirements of 37-16-402 and who has not  
8 previously applied to take the examination under 37-16-403  
9 may apply to the department for a temporary license.

10 (2) On receiving an application under subsection (1)  
11 of this section, accompanied by a fee of ~~\$25~~ prescribed by  
12 the board, the department shall issue a temporary license  
13 which entitles the applicant to practice the fitting and  
14 dispensing of hearing aids for a period ending 30 days after  
15 the conclusion of the next examination given after the date  
16 of issue.

17 (3) No temporary license may be issued by the  
18 department unless the applicant shows to the satisfaction of  
19 the board that he is or will be supervised and trained by a  
20 person who holds a valid license issued under this chapter.

21 (4) If a person who holds a temporary license does not  
22 take the next examination given after the date of issue, the  
23 temporary license may not be renewed except for a good cause  
24 shown to the satisfaction of the board.

25 (5) If a person who holds a temporary license takes

1 and fails to pass the next examination given after the date  
2 of issue, the board may authorize the department to renew  
3 the temporary license for a period ending 30 days after the  
4 results of the next examination given after the dates of  
5 renewal are announced. In no event may more than two  
6 renewals be permitted. The fee for renewal ~~is \$30~~ shall be  
7 prescribed by the board."

8 Section 42. Section 37-16-407, MCA, is amended to  
9 read:

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

21 Section 43. Section 37-17-307, MCA, is amended to  
22 read:

23 "37-17-307. Fees -- deposit of fees. (1) The  
24 department shall collect the following fees, none of which  
25 is refundable:

1 (a) application fee ~~-\$25-to-\$50;~~  
 2 (b) examination fee, an amount commensurate with the  
 3 charge of the professional examination service and  
 4 administrative costs of the department and as set by the  
 5 board;  
 6 (c) certificate fee ~~-\$10;~~  
 7 (d) renewal fee ~~-\$20-to-\$50.~~  
 8 ~~†2†--The--board--may--set--the--application--fee--and--the~~  
 9 ~~annual--renewal--fee--annually--within--the--above--limits.~~  
 10 ~~†3†--The--initial--certificate--fee--shall--be--prorated--as~~  
 11 ~~follows:~~  
 12 ~~†a†--if--the--certificate--is--issued--between--January--2--and~~  
 13 ~~March--31--\$10†~~  
 14 ~~†b†--if--the--certificate--is--issued--between--April--1--and~~  
 15 ~~June--30--\$7.50†~~  
 16 ~~†c†--if--the--certificate--is--issued--between--July--1--and~~  
 17 ~~September--30--\$5†~~  
 18 ~~†d†--if--the--certificate--is--issued--between--October--1--and~~  
 19 ~~January--1--\$2.50.~~  
 20 ~~†4†(2)~~ Renewal certificates shall be secured annually  
 21 and dated January 2.  
 22 ~~†5†(3)~~ Fees received by the department shall be  
 23 deposited in the earmarked revenue fund for the use of the  
 24 board, subject to 37-1-101(6)."  
 25 Section 44. Section 37-18-307, MCA, is amended to

1 read:  
 2 \*37-18-307. Renewal -- fee -- continuing education --  
 3 automatic renewal for military personnel. (1) A person  
 4 licensed to practice veterinary medicine in this state shall  
 5 procure from the department before July 1 annually his  
 6 certificate of registration. The certificate shall be issued  
 7 by the department on the payment of a fee to be fixed  
 8 annually by the board ~~not exceeding the sum of \$25~~ and the  
 9 presentation of evidence satisfactory to the board that the  
 10 licensee, in the year preceding the application for renewal,  
 11 attended an educational program approved by the board.  
 12 However, the board may authorize the department to issue  
 13 renewals, but not consecutive renewals, on a showing  
 14 satisfactory to the board that attendance at the educational  
 15 programs was unavoidably prevented; and new licensees who  
 16 secure licenses by examination during the 6 months preceding  
 17 July 1 shall be granted renewals without attending the  
 18 educational programs. The certificate is prima facie  
 19 evidence of the right of the holder to practice veterinary  
 20 medicine in this state during the time for which it is  
 21 issued.  
 22 (2) Failure of a person licensed to procure a  
 23 certificate of registration before July 1, annually,  
 24 constitutes a forfeiture of the license held by the person.  
 25 A person who has thus forfeited his license may have it

1 restored to him by making written application for  
 2 restoration within 1 year of the forfeiture, setting forth  
 3 the reasons for failure to procure the certificate of  
 4 registration at the time specified and accompanied by  
 5 payment of the registration fee provided for in this section  
 6 and an additional restoration fee ~~not in excess of \$25~~ as  
 7 the board requires and by presentation of evidence  
 8 satisfactory to the board that he has fulfilled the  
 9 continuing educational requirements of all licensees recited  
 10 above. The person making application for restoration of  
 11 license within 1 year of its forfeiture is not required to  
 12 submit to examination.

13 (3) Notwithstanding any other provisions in this  
 14 chapter, a person licensed who enters or is called to active  
 15 duty by a branch of the armed services of the United States  
 16 is entitled to receive automatic registration of his license  
 17 during the period of his duty with the armed services.  
 18 However, within 1 year after release or discharge from duty  
 19 in the armed services he shall procure a certificate of  
 20 renewal from the department and pay the regular fee. Failure  
 21 to procure the certificate of renewal within 1 year after  
 22 release or discharge is the equivalent of a failure to  
 23 procure a certificate of registration before July 1 of any  
 24 year, and the same forfeiture and restoration requirements  
 25 apply.

1 (4) A person licensed shall at all times have his  
 2 residence and office address on file with the department."

3 Section 45. Section 37-18-403, MCA, is amended to  
 4 read:

5 "37-18-403. Licensure without examination. A person  
 6 who can produce satisfactory evidence that he has been  
 7 employed as a veterinary technician in the office of a  
 8 regularly licensed veterinarian in the state of Montana for  
 9 2 or more years prior to March 25, 1975, may, upon payment  
 10 of a fee of ~~\$25~~ prescribed by the board, be granted a  
 11 certificate to practice by the board of veterinarians;  
 12 provided that if the board in its discretion finds that  
 13 animal health and the public interest so require, the board  
 14 may require the applicant to pass a practical examination in  
 15 veterinary technology. A certificate must be secured before  
 16 such person may continue practice as a veterinary  
 17 technician."

18 Section 46. Section 37-18-405, MCA, is amended to  
 19 read:

20 "37-18-405. Renewal -- board to be kept informed of  
 21 employer. (1) Each licensed veterinary technician shall  
 22 annually on or before July 1 procure from the board a  
 23 certificate of annual registration. The fee for annual  
 24 registration shall be fixed by the board ~~not exceeding the~~  
 25 ~~sum of \$10~~. Failure of a licensee to procure a certificate

1 of registration on or before July 1 shall constitute a  
2 forfeiture of the license.

3 (2) Each licensed veterinary technician shall keep the  
4 board informed of his address, the name and address of the  
5 licensed veterinarian or of the state department which is  
6 his employer, and such other information as the board may by  
7 rule require."

8 Section 47. Section 37-19-301, MCA, is amended to  
9 read:

10 "37-19-301. Funeral director's license -- renewal --  
11 fee. The practice of funeral directing by anyone who does  
12 not hold a funeral director's license or a mortician's  
13 license issued by the department is prohibited. A person  
14 licensed to practice funeral directing on June 1, 1963, is  
15 entitled to an annual renewal of his license on payment of a  
16 renewal fee to the department on July 1 of each year. The  
17 amount of the annual renewal license fee shall be set by the  
18 board ~~but--may-not-exceed-\$25~~. A funeral director's license  
19 may not be issued to a person who is not licensed by the  
20 board of embalmers and funeral directors to practice funeral  
21 directing on June 1, 1963."

22 Section 48. Section 37-19-303, MCA, is amended to  
23 read:

24 "37-19-303. Mortician's license -- application fee. A  
25 person possessing the necessary qualifications may apply to

1 the department for a license and on payment of an  
2 application fee, as set by the board ~~but-not-to-exceed-\$75~~,  
3 may take the examination prescribed by the board. The  
4 examination shall be held on the second Wednesday of July  
5 each year in Helena and at such other times and places as  
6 the board considers necessary."

7 Section 49. Section 37-19-304, MCA, is amended to  
8 read:

9 "37-19-304. Issuance of intern's license -- license  
10 fee -- issuance of mortician's license on completion of  
11 internship. An applicant who passes the examination, upon  
12 payment of a license fee ~~of-\$3~~ prescribed by the board,  
13 shall be granted an intern mortician's license to practice  
14 mortuary science under the supervision of a mortician in a  
15 licensed mortuary in Montana and, upon completion of 1  
16 year's internship and payment of the annual license fee, may  
17 apply for and receive a mortician's license."

18 Section 50. Section 37-19-306, MCA, is amended to  
19 read:

20 "37-19-306. Annual renewal of mortician's license --  
21 fee -- suspension for nonrenewal. (1) The annual license fee  
22 for a mortician's license must be postmarked before July 1  
23 of the assessment year. The amount of the annual renewal fee  
24 shall be set by the board ~~but-may-not-exceed-\$50~~.

25 (2) Failure to pay the annual renewal fee results in

1 automatic suspension of the license. The license may be  
2 reinstated by the payment of unpaid renewal fees plus a  
3 penalty of ~~-\$25~~ prescribed by the board."

4 Section 51. Section 37-19-403, MCA, is amended to  
5 read:

6 "37-19-403. Power of board to set standards --  
7 inspection. (1) The board may adopt rules prescribing  
8 reasonable standards for operating mortuaries, including  
9 minimum requirements for drainage, ventilation, and  
10 instruments, and may inspect the premises of a mortuary  
11 establishment to determine if such rules are complied with.  
12 Such inspection or inspections shall be made at the  
13 discretion of the board and may be without notice.

14 (2) The board may charge the operator an inspection  
15 fee to be set at the discretion of the board ~~but--not--to~~  
16 ~~exceed-\$25-per-year."~~

17 Section 52. Section 37-30-307, MCA, is amended to  
18 read:

19 "37-30-307. Fees -- handicapped persons exempted --  
20 other fees prohibited. (1) The fee to be paid by an  
21 apprentice for an apprentice examination and an apprentice  
22 card ~~is-\$25~~ shall be prescribed by the board.

23 (2) The fee to be paid by an applicant for an  
24 examination to determine his fitness to receive a  
25 certificate of registration to practice barbering ~~is-\$20~~ and

1 for the issuance of the certificate ~~an-additional-\$10~~ shall  
2 be prescribed by the board.

3 (3) A person registered as a barber or barber  
4 apprentice shall, before July 1 of each year, pay a license  
5 fee, set by the board ~~in-an-amount-not--to--exceed--\$15--and~~  
6 based on clerical and administrative costs, for the renewal  
7 of his certificate of registration. If a barber fails to  
8 have the certificate renewed before July 1 of each year, the  
9 barber shall on renewal of the certificate of registration  
10 pay a penalty of ~~-\$10~~ prescribed by the board in addition to  
11 the regular renewal fee. If a certificate of registration is  
12 not renewed within 1 year after the date of expiration, the  
13 barber is not entitled to have the certificate of  
14 registration renewed or a new certificate of registration  
15 issued without first applying for and taking the examination  
16 and paying the fees provided for in this section.

17 (4) However, physically handicapped persons trained  
18 for the barber profession by the department of social and  
19 rehabilitation services and certified by that department as  
20 having successfully completed a 9-month course in a  
21 reputable barber college are not required to pay fees and  
22 are for a period of 1 year immediately following their  
23 training exempt from all except the sanitary provisions of  
24 this chapter.

25 (5) No other or additional license or fee may be

1 imposed on barbers or barber apprentices by a municipality  
2 or other subdivision of this state."

3 Section 53. Section 37-30-404, MCA, is amended to  
4 read:

5 "37-30-404. Barber schools -- operator -- license fee  
6 -- patrons. (1) A barber school or college operating in this  
7 state must have in charge a person who has had 10 years'  
8 continuous experience as a barber.

9 (2) The owner of the school or college shall first  
10 secure a permit to operate granted by the board and issued  
11 by the department, on payment of an annual license fee of  
12 ~~\$50~~ prescribed by the board, and shall keep the permit  
13 prominently displayed.

14 (3) The owner shall, before commencing business, file  
15 with the secretary of state a bond to this state, which  
16 shall be approved by the attorney general, in the sum of  
17 \$2,000, conditioned on the faithful compliance of the barber  
18 school or college with this chapter and the payment of  
19 judgments that may be obtained against the school, college,  
20 or owner on account of fraud, misrepresentation, or deceit  
21 practiced by them or by their agents.

22 (4) Barber schools or barber colleges may not charge  
23 patrons for barbering services and materials rendered.

24 (5) All barber schools or colleges shall keep  
25 prominently displayed a substantial sign as a barber school

1 or barber college.

2 (6) On receiving students, all barber schools or  
3 colleges shall immediately apply to the department for  
4 student permits on blank forms prescribed by the board."

5 Section 54. Section 37-30-423, MCA, is amended to  
6 read:

7 "37-30-423. Initial inspection fee -- renewal. (1) In  
8 addition to the fees and charges provided by law on March  
9 11, 1939, barbershops established prior to that date and  
10 which had been under the inspection of the board shall pay  
11 an annual license fee set by the board ~~in an amount not to~~  
12 ~~exceed \$15~~ and based on clerical and administrative costs.  
13 Barbershops established after March 11, 1939, shall pay an  
14 initial inspection fee ~~of \$25~~ prescribed by the board for  
15 the first year or portion thereof and shall pay an annual  
16 license fee set by the board ~~in an amount not to exceed \$15~~.

17 (2) Barbershop, school, or college licenses expire on  
18 July 1 of each year following the issuance of the license,  
19 and an owner or manager of a barbershop, school, or college  
20 which continues in active operation shall annually, before  
21 July 1, renew his barbershop, school, or college license and  
22 pay the required fee. A barbershop which fails to have the  
23 license renewed before July 1 of each year shall, on  
24 renewal, pay a penalty ~~of \$10~~ prescribed by the board, and a  
25 barber school or college which fails to have the license

1 renewed before July 1 of each year shall, on renewal, pay a  
2 penalty of ~~\$55~~ prescribed by the board."

3 Section 55. Section 37-30-424, MCA, is amended to  
4 read:

5 "37-30-424. Fee for advanced barber training program,  
6 clinic, or seminar. Any person conducting in this state any  
7 advanced barber training program, clinic, or seminar for  
8 barbers as defined in this chapter shall pay an annual  
9 license fee of ~~\$50~~ prescribed by the board to the department  
10 or a 10-day license fee of ~~\$15~~ prescribed by the board and  
11 display the license while operating. Any such advanced  
12 barber training program, clinic, or seminar may be inspected  
13 by the department at reasonable times during operation."

14 Section 56. Section 37-31-312, MCA, is amended to  
15 read:

16 "37-31-312. Inspection. (1) The department shall  
17 appoint one or more inspectors who are licensed to practice  
18 under this chapter, each of whom shall devote his time to  
19 inspecting beauty parlors and performing other duties as the  
20 department may direct. The inspectors may enter a beauty  
21 parlor or school of cosmetology during business hours for  
22 the purpose of inspection, and the refusal of a licensee to  
23 permit the inspection during business hours is cause for  
24 revocation of the license.

25 (2) Upon application for a license, any cosmetological

1 establishment must pay an initial inspection fee of ~~\$25~~  
2 prescribed by the board.

3 (3) The board may authorize the department to grant to  
4 a cosmetological establishment, upon payment of the initial  
5 inspection fee, a temporary permit authorizing the  
6 cosmetological establishment to operate for a period of not  
7 to exceed 90 days or until the inspector is able to make the  
8 inspection, whichever event occurs first. This temporary  
9 permit is not renewable."

10 Section 57. Section 37-31-322, MCA, is amended to  
11 read:

12 "37-31-322. Renewal -- continuing education --  
13 delinquency fee. (1) Licenses and certificates may be issued  
14 for no longer than 1 year unless otherwise provided by rule.  
15 Licenses and certificates expire on December 31 unless  
16 otherwise provided by rule or renewed for the next year or  
17 renewal period. Licenses and certificates may be renewed by  
18 application made prior to December 31 of each year, unless  
19 otherwise provided, and the payment of a required renewal  
20 fee. Expired licenses and certificates may be renewed under  
21 rules made by the board, but the right to renew an expired  
22 license or certificate terminates after 10 years of  
23 nonpayment. The board may provide by rule for a change in  
24 the renewal date and renewal period for the manager-operator  
25 and salon owner category. The renewal fee may not exceed

1 twice the fee for a 2-year renewal or three times the fee  
2 for a 3-year renewal and shall be as set by the board.

3 (2) In addition to the foregoing requirements for  
4 renewal, persons applying for the renewal of teachers'  
5 licenses must have fulfilled the following additional  
6 requirements:

7 (a) During each year, an active teacher, either  
8 full-time or part-time, must have successfully completed 30  
9 hours' professional teacher training at a school approved by  
10 the board.

11 (b) A person holding a teacher's license but not  
12 actively engaged either full-time or part-time in teaching  
13 cosmetology during the preceding year may renew the license  
14 by paying the required fee. A person holding a teacher's  
15 license but not actively engaged in teaching cosmetology  
16 either full-time or part-time for the preceding year or  
17 longer and wishing to resume active teaching of cosmetology  
18 must successfully complete 30 hours' professional teacher  
19 training at a school approved by the board before resuming  
20 active teaching. However, the foregoing provisions do not  
21 prevent the board, under rules it adopts, from permitting a  
22 person holding a teacher's license and not actively engaged  
23 either full-time or part-time in teaching cosmetology from  
24 teaching as a substitute for an active teacher.

25 (3) A fee of ~~-\$10~~ prescribed by the board shall be

1 charged, in addition to other fees fixed by law, for renewal  
2 applications of licenses and certificates made after  
3 December 31 of each year or other predetermined renewal  
4 deadline. The department shall notify license and  
5 certificate holders of the expiration date of licenses and  
6 certificates not less than 30 days before the expiration  
7 date and call attention to the penalty imposed for failure  
8 to renew a license or certificate by the date of  
9 expiration."

10 Section 58. Section 37-31-323, MCA, is amended to  
11 read:

12 "37-31-323. Fees. (1) Fees for licenses and  
13 certificates of registration shall be paid to the department  
14 ~~not-to-exceed-the-following-respective in~~ amounts prescribed  
15 by the board:

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

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

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

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

25 (e) ~~A person practicing cosmetology as an operator~~



1 ~~shall pay a fee of \$12 for the issuance of a license.~~

2 ~~{f}--An applicant for a manager-operator license shall~~  
3 ~~pay a fee of \$20 for the issuance of a license.~~

4 ~~{g}--An applicant for an itinerant license as a~~  
5 ~~cosmetologist shall pay a fee of \$100.~~

6 ~~{h}--A person, firm, partnership or corporation~~  
7 ~~owning, operating or conducting a cosmetologist salon~~  
8 ~~shall pay the sum of \$20 for the issuance of the certificate~~  
9 ~~of registration.~~

10 ~~{i}--A person teaching or instructing cosmetology shall~~  
11 ~~pay a fee of \$20 for the issuance of a license.~~

12 ~~{j}--A person, firm, partnership or corporation~~  
13 ~~owning, operating or conducting a school of cosmetology~~  
14 ~~shall pay the sum of \$100 for a certificate of registration.~~

15 ~~{k}--A person, firm, partnership or corporation~~  
16 ~~owning, operating or conducting an advanced school of~~  
17 ~~cosmetology shall pay the sum of \$100 for a certificate of~~  
18 ~~registration.~~

19 ~~{l}--A person, firm, partnership or corporation~~  
20 ~~owning, operating or conducting a teacher training unit in~~  
21 ~~a school of cosmetology shall pay the sum of \$100 for a~~  
22 ~~certificate of registration.~~

23 ~~{m}--An applicant for reciprocity licensure shall pay a~~  
24 ~~fee of \$100.~~

25 ~~{n}--Duplicate licenses or certificates of registration~~

1 ~~shall be issued on payment of \$4 and proof of necessity.~~

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

5 (3) No other or additional license or registration fee  
6 may be imposed by a municipal corporation or other political  
7 subdivision of this state for the practice or teaching of  
8 cosmetology."

9 Section 59. Section 37-32-305, MCA, is amended to  
10 read:

11 "37-32-305. Fees -- renewal -- deposit of moneys  
12 collected. (1) The fee for an original electrologist license  
13 shall not exceed \$50 as is set by the board. The renewal  
14 shall be automatic, unless revoked or suspended for cause,  
15 and the renewal fee shall be set by the board.

16 (2) The fee for an original electrologist salon  
17 license shall be the same as that for cosmetology salons.  
18 The renewal fee shall be the same as that for cosmetology  
19 salons.

20 (3) All licenses issued under this chapter expire on  
21 December 31 and shall be renewed annually. Failure to renew  
22 on or before December 31 shall cause a late renewal fee of  
23 \$10 prescribed by the board to be added to the regular  
24 renewal fee. The right to renew by payment of the late  
25 renewal fee expires after 3 years of nonpayment.

1 (4) All fees or moneys collected by the department  
2 under this chapter shall be deposited in the earmarked  
3 revenue fund for the use of the board in administration of  
4 the chapter."

5 Section 60. Section 37-33-302, MCA, is amended to  
6 read:

7 "37-33-302. Application -- qualifications -- fee. (1)  
8 A person wishing to engage in the occupation of a massage  
9 therapist in this state shall make application to the  
10 department on the form and in the manner prescribed by the  
11 board at least 15 days prior to a meeting of the board. Each  
12 applicant shall hold a diploma or credentials issued by a  
13 recognized, approved school of massage therapy certifying  
14 not less than 1,000 hours of study satisfactory to the  
15 school. Application shall be in writing and sworn to by  
16 some officer authorized to administer oaths and shall recite  
17 the history of the applicant's educational qualifications,  
18 how long he has studied massage therapy, from what school he  
19 holds a certificate, and the length of time he has engaged  
20 in the occupation of massage therapy, accompanying this with  
21 proof by a diploma or certificate and with satisfactory  
22 evidence of good character and reputation.

23 (2) There shall be paid to the department by an  
24 applicant for a license a fee of ~~\$35~~ prescribed by the board  
25 which shall accompany the application. An applicant failing

1 to pass the requirements is entitled, within 6 months, to a  
2 reexamination on payment of an additional fee of ~~\$10~~,  
3 prescribed by the board but on a third failure may not  
4 reapply for a period of 1 year."

5 Section 61. Section 37-33-305, MCA, is amended to  
6 read:

7 "37-33-305. Admission of licensees from other states.  
8 Upon payment of the fee of ~~\$35~~ prescribed by the board as  
9 herein provided, persons licensed to engage in the  
10 occupation of massage therapist under the laws of any other  
11 state having equal requirements to this chapter may, in the  
12 discretion of the board, be issued a license to engage in  
13 the occupation of massage therapist in this state without  
14 examination."

15 Section 62. Section 37-33-306, MCA, is amended to  
16 read:

17 "37-33-306. Renewal. (1) A license expires on December  
18 31 of each year and shall be renewed then or thereafter, by  
19 the department, on payment of a renewal fee of ~~not less than~~  
20 ~~\$10 or more than \$50~~ as set by the board.

21 (2) Any licensee who fails to renew on or before  
22 December 31 of each year shall be required to pay, in  
23 addition to the renewal fee, a late renewal fee in an amount  
24 ~~not to exceed \$10~~ prescribed by the board. Failure to renew  
25 within 30 days following December 31 shall be cause for

1 suspension or revocation of the license."

2 Section 63. Section 37-40-303, MCA, is amended to  
3 read:

4 "37-40-303. Licensing sanitarians from other states.  
5 The department shall issue a license without examination to  
6 a person who applies to the department, pays a fee of--\$35  
7 prescribed by the board, and submits satisfactory proof to  
8 the board that:

- 9 (1) he is of good moral character; and
- 10 (2) he is registered or licensed as a sanitarian in a  
11 state which has requirements comparable to those in this  
12 state."

13 Section 64. Section 37-40-304, MCA, is amended to  
14 read:

15 "37-40-304. Fees -- renewal. (1) An applicant for a  
16 license shall pay a fee set by the board in an amount  
17 commensurate with examination and administrative costs.

18 (2) A registered sanitarian may renew his license by  
19 paying an annual fee set by the board--not-to-exceed-\$10.

20 (3) Renewal fees are due July 1 of the renewal year.  
21 If the renewal fee is not paid, the license expires.  
22 Licenses which have lapsed for failure to pay renewal fees  
23 may be reissued under rules adopted by the board."

24 Section 65. Section 37-51-311, MCA, is amended to  
25 read:

1 "37-51-311. Fees -- deposit of fees. (1) The following  
2 fees prescribed by the board shall be charged by the  
3 department and paid into the earmarked revenue fund for the  
4 use of the board, subject to 37-1-101(6):

- 5 (a)--for each examination--a fee not to exceed--\$25+
- 6 (b)--for each original resident broker's license  
7 issued--a fee not to exceed--\$50+
- 8 (c)--for each annual renewal of a resident broker's  
9 license--a fee not to exceed--\$30+
- 10 (d)--for each original nonresident broker's license  
11 issued--a fee not to exceed--\$50+
- 12 (e)--for each annual renewal of a nonresident broker's  
13 license--a fee not to exceed--\$30+
- 14 (f)--for each original salesman's license issued--a fee  
15 not to exceed--\$25+
- 16 (g)--for each annual renewal of a salesman's license--a  
17 fee not to exceed--\$15+
- 18 (h)--for each additional office or place of business,  
19 an annual fee not to exceed--\$25+
- 20 (i)--for each change of place of business or change of  
21 employer or contractual associate--a fee not to exceed--\$15+
- 22 (j)--for each duplicate license--when the original  
23 license is lost or destroyed and affidavit is made--a fee  
24 not to exceed--\$18+
- 25 (k)--for each duplicate pocket card--when the original

1 ~~pocket-card-is-lost-or-destroyed-and-affidavit-is-made-a~~  
2 ~~fee-not-to-exceed-\$10.~~

3 (2) The board shall charge ~~a-\$5~~ an annual fee from a  
4 licensee who wishes to be placed in an inactive status. A  
5 licensee who is placed in an inactive status by the board  
6 and who has paid the required fee need not file a bond with  
7 the department as provided in 37-51-304.

8 (3) The board shall adopt a schedule of fees ~~within~~  
9 ~~the-limits-set-by-this-section.~~ However, a fee once set for  
10 one of the items for which a fee is charged cannot be  
11 increased or decreased until at least 1 year has passed  
12 since the fee for that particular item was last increased or  
13 decreased."

14 Section 66. Section 37-67-303, MCA, is amended to  
15 read:

16 "37-67-303. Application -- contents -- fees. (1)  
17 Applications for registration shall be on forms prescribed  
18 by the board and furnished by the department, shall contain  
19 statements made under oath showing the applicant's education  
20 and a detailed summary of his technical work, and shall  
21 contain not less than five references, of whom three or more  
22 shall be engineers or land surveyors having personal  
23 knowledge of his engineering or land surveying experience.

24 (2) The fee for engineer-in-training is as prescribed  
25 by the board ~~but-may-not-exceed-\$30v--which~~ and shall

1 accompany the application and shall include the cost of one  
2 examination. No additional fee is required for issuance of a  
3 certificate.

4 (3) The application fee for registration as a  
5 professional engineer is as prescribed by the board ~~but-may~~  
6 ~~not-exceed--\$40~~ for those holding an engineer-in-training  
7 certificate validated for Montana. For those holding a valid  
8 engineer-in-training certificate from some other state, the  
9 application fee is as prescribed by the board ~~but-may-not~~  
10 ~~exceed---\$50v~~ which includes cost of transfer of  
11 engineer-in-training certification and one examination. Upon  
12 approval of application for registration as a professional  
13 engineer, an additional fee equal to the existing renewal  
14 fee must be paid before issuance of a certificate as a  
15 professional engineer.

16 (4) The department, subject to approval by the board,  
17 may, on application and payment of a fee as prescribed by  
18 the board ~~but-not-to-exceed--\$60v~~ issue a certificate of  
19 registration as a professional engineer to a person who  
20 holds a certificate of qualification or registration issued  
21 to him by the committee on national engineering  
22 certification of the national council of engineering  
23 examiners or by a state, territory, or possession of the  
24 United States or by another country if the applicant's  
25 qualifications meet the requirements of this chapter and the

1 rules of the board.

2 (5) The fee for land surveyor-in-training is as  
3 prescribed by the board ~~but may not exceed \$30~~, which shall  
4 accompany the application and shall include the cost of one  
5 examination. No additional fee is required for issuance of a  
6 certificate.

7 (6) The application fee for registration as a land  
8 surveyor is as prescribed by the board ~~but may not exceed~~  
9 ~~\$40~~ for those holding a land surveyor-in-training  
10 certificate validated in Montana. For those holding a valid  
11 land surveyor-in-training certificate from some other state,  
12 the application fee is as prescribed by the board ~~but may~~  
13 ~~not exceed \$50~~, which includes cost of transfer of the  
14 certification. No additional fee is required for issuance of  
15 a certificate. Upon approval of application for registration  
16 as a land surveyor, an additional fee equal to the existing  
17 renewal fee must be paid before issuance of a certificate as  
18 a land surveyor.

19 (7) The application fee for registration as both a  
20 professional engineer and land surveyor is as prescribed by  
21 ~~the board but may not exceed \$60~~ for those holding  
22 engineer-in-training and land surveyor-in-training  
23 certificates validated in Montana. For those holding valid  
24 engineer-in-training and land surveyor-in-training  
25 certificates from another state, the application fee is as

1 prescribed by the board ~~but may not exceed \$100~~. The fee  
2 shall accompany the application. Upon approval of  
3 application for registration as a professional engineer and  
4 land surveyor, an additional fee equal to the existing  
5 renewal fee must be paid before issuance of a certificate.

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

9 Section 67. Section 37-67-315, MCA, is amended to  
10 read:

11 "37-67-315. Annual renewal -- fee -- verification of  
12 competency. (1) Certificates of registration expire on  
13 December 31 of the appropriate year and become invalid on  
14 that date unless renewed. The department shall notify every  
15 person registered under this chapter of the date of the  
16 expiration of his certificate and the amount of the fee  
17 required for its renewal for 2 years. This notice shall be  
18 mailed at least 1 month in advance of the date of the  
19 expiration of the certificate. Renewal may be made during  
20 the month of December of the appropriate year by the payment  
21 of a fee ~~not to exceed \$60 biennially~~, as set by the board  
22 for either a professional engineer or land surveyor, or  
23 both.

24 (2) No certificate may be renewed unless the  
25 registrant submits a verified statement to the effect and

1 the board is satisfied that he has maintained competency by:

2 (a) the continued practice of engineering or land  
3 surveying; or

4 (b) engaging in other activities that provide for the  
5 maintenance of competency as prescribed by board rule.

6 (3) Failure on the part of a registrant to renew his  
7 certificate biennially in the month of December of the  
8 appropriate year does not deprive him of the right of  
9 renewal; however, a registrant who fails to pay the renewal  
10 fee for an additional renewal period shall be considered a  
11 new applicant and is required to submit a new application."

12 Section 68. Section 37-68-310, MCA, is amended to  
13 read:

14 "37-68-310. Annual renewal. Licenses of residential  
15 electricians, journeyman electricians, or master  
16 electricians, unless they have been suspended or revoked by  
17 the board, shall be renewed for a period of 1 year by the  
18 department on application for renewal made to the department  
19 prior to July 15 of the year in which the prior license  
20 expired and on the payment of an annual renewal fee. If  
21 application for renewal is not made prior to July 15, an  
22 additional fee of ~~of \$5~~ prescribed by the board shall be paid  
23 on account of the delinquency in renewal. All applications  
24 for renewal must be made prior to August 15 of that year,  
25 otherwise the license is forfeited and the applicant is

1 required to pass the examination and pay the fees required  
2 of applicants for original licenses."

3 Section 69. Codification instruction. Section 1 is  
4 intended to be codified as an integral part of Title 37,  
5 chapter 1.

-End-

## 1 STATEMENT OF INTENT

## 2 SENATE BILL 412

## 3 Senate Taxation Committee

4

5 A statement of intent is required for Senate Bill 412  
6 because it grants licensing boards within the Department of  
7 Professional and Occupational Licensing the authority to set  
8 fees.

9 Presently fees charged by most licensing boards are set  
10 by law. Whenever changed circumstances require a change in  
11 fees legislation is required. Each session several bills  
12 are introduced to modify board fees. By allowing boards to  
13 set their own fees, flexibility is provided the boards to  
14 meet changing circumstances. At the present time, fees set  
15 by law are not based upon actual costs incurred by licensing  
16 boards in carrying out their various functions.

17 It is the intent of the Legislature that fees set by  
18 licensing boards be reasonably related to the costs of the  
19 respective programs. "Programs" of the licensing boards are  
20 intended to be such areas of responsibility as applications,  
21 examinations, renewals, and reciprocity. "Reasonably  
22 related" is intended to mean that the department generally  
23 breaks down the costs associated with the various programs  
24 and sets each fee at a level to cover these costs and the  
25 costs of maintaining the ongoing operations of the board.

1 "Reasonably related" does not mean the department is  
2 required to maintain an exact system of actual costs, but  
3 rather means the department should generally allocate costs  
4 of the program equitably among the various fee categories.  
5 First adopted by the Senate Taxation Committee on the  
6 21st day of February 1981.

## 1 SENATE BILL NO. 412

2 INTRODUCED BY S. BROWN, HIMSL

3 BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE

4  
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO AUTHORIZE AND  
 6 REQUIRE LICENSING BOARDS WITHIN THE DEPARTMENT OF  
 7 PROFESSIONAL AND OCCUPATIONAL LICENSING TO ESTABLISH FEE  
 8 SCHEDULES THAT SET FEES REASONABLY COMMENSURATE WITH THE  
 9 COSTS INCURRED IN ADMINISTERING THE VARIOUS PROGRAM AREAS  
 10 WITHIN THEIR JURISDICTION; AND AMENDING SECTIONS 37-3-308,  
 11 37-3-313, 37-4-303, 37-4-306, 37-4-307, 37-4-403, 37-4-404,  
 12 37-4-406, 37-5-302, 37-5-307, 37-6-302 THROUGH 37-6-304,  
 13 37-7-302, 37-7-303, 37-7-321, 37-8-406, 37-8-407, 37-8-418,  
 14 37-8-431, 37-9-304, 37-10-302, 37-10-307, 37-11-307 THROUGH  
 15 37-11-309, 37-12-302, 37-12-305, 37-12-307, 37-12-323,  
 16 37-13-302 THROUGH 37-13-306, 37-14-303, 37-14-305,  
 17 37-15-307, 37-16-402, 37-16-405, 37-16-407, 37-17-307,  
 18 37-18-307, 37-18-403, 37-18-405, 37-19-301, 37-19-303,  
 19 37-19-304, 37-19-306, 37-19-403, 37-30-307, 37-30-404,  
 20 37-30-423, 37-30-424, 37-31-312, 37-31-322, 37-31-323,  
 21 37-32-305, 37-33-302, 37-33-305, 37-33-306, 37-40-303,  
 22 37-40-304, 37-51-311, 37-67-303, 37-67-315, AND 37-68-310,  
 23 MCA."

24  
25 WHEREAS, most fees set by professional and occupational1 licensing boards are specified or limited in amount by law;  
2 and3 WHEREAS, such limitations are not necessarily serving  
4 the purpose intended in that the fees are not related to  
5 costs incurred and board revenues are insufficient in some  
6 cases and excessive in others.7 THEREFORE, it is the intent of this act to authorize  
8 and require such licensing boards to set fees reasonable  
9 related to the costs of administering the various programs  
10 under their jurisdiction.11  
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 NEW SECTION. Section 1. Licensing boards to establish  
 14 fees commensurate with costs. All licensing boards allocated  
 15 to the department shall set fees reasonably related to the  
 16 respective program AREA costs. Unless otherwise provided by  
 17 law, each board within the department may establish fees  
 18 including but not limited to fees for PROGRAM AREAS SUCH AS  
 19 application, examination, renewal, reciprocity, late  
 20 renewal, and continuing education. BOARD COSTS NOT RELATED  
 21 TO A SPECIFIC PROGRAM AREA MAY BE EQUITABLY DISTRIBUTED TO  
 22 PROGRAM AREAS AS DETERMINED BY THE BOARD. Each board shall  
 23 maintain records sufficient to support the fees charged for  
 24 each program area.

25 Section 2. Section 37-3-308, MCA, is amended to read:



1 "37-3-308. Examination and application fees -- further  
 2 tax forbidden. (1) An applicant for a license to practice  
 3 medicine to be issued on the basis of an examination by the  
 4 board shall pay an examination fee as set by the board. The  
 5 board shall set the fee, and it shall be reasonable and  
 6 commensurate with the costs of the examination and related  
 7 costs. Such examination fee shall be in addition to the  
 8 application fee.

9 (2) All applicants ~~except applicants for temporary~~  
 10 ~~licenses shall pay an initial application fee of \$100.~~

11 ~~(3) An applicant for a temporary license shall pay an~~  
 12 ~~initial fee of \$25 and \$25 for each renewal thereof,~~  
 13 including applicants for a temporary license, shall pay an  
 14 initial application fee as prescribed by the board.

15 ~~(4) [3]~~ No license tax shall be imposed upon physicians  
 16 by a municipality or any other subdivision of the state."

17 Section 3. Section 37-3-313, MCA, is amended to read:

18 "37-3-313. Annual registration fees -- failure to pay  
 19 -- limiting authority to impose registration fees. (1) In  
 20 addition to the license fees required of applicants, a  
 21 licensed physician actively practicing medicine in this  
 22 state shall pay each year to the department an annual  
 23 registration fee ~~not to exceed the sum of \$100,~~ as  
 24 prescribed by the board. If a person licensed to practice  
 25 medicine absents himself from the state for a period of 1 or

1 more years or does not engage in active practice in this  
 2 state, he may continue his license in good standing by  
 3 payment each year of a fee prescribed by the board ~~in an~~  
 4 ~~amount not to exceed \$50~~ or, at the discretion of the board,  
 5 he may be reinstated on the payment of a fee ~~not to exceed~~  
 6 \$50 prescribed by the board for each year of absence or  
 7 inactive practice.

8 (2) The annual payments for registration shall be made  
 9 prior to April 1, and a receipt acknowledging payment of the  
 10 annual registration fee shall be issued by the department.  
 11 The department shall mail registration notices at least 60  
 12 days before the registration is due.

13 (3) In case of default in the payment of the annual  
 14 registration fee by a person licensed to practice medicine  
 15 who is actively practicing medicine in this state, his  
 16 underlying certificate to practice medicine may be revoked  
 17 by the board on 30 days' notice given to the delinquent of  
 18 the time and place of considering the revocation. A  
 19 registered or certified letter addressed to the last-known  
 20 address of the person failing to comply with the  
 21 requirements of annual registration, as the address appears  
 22 on the records of the department, constitutes sufficient  
 23 notice of intention to revoke his underlying certificate. No  
 24 certificate may be revoked for nonpayment if the person  
 25 authorized to practice medicine, and notified, pays the

1 annual registration fee before or at the time fixed for  
 2 consideration of revocation, together with a delinquency  
 3 penalty of ~~-\$10~~ prescribed by the board. The department may  
 4 collect the dues by an action at law.

5 (4) No registration or license fee may be imposed on a  
 6 licensee under this chapter by a municipality or any other  
 7 subdivision of the state."

8 Section 4. Section 37-4-303, MCA, is amended to read:

9 "37-4-303. Certificate to be registered in county  
 10 where practicing -- replacing lost certificate. (1) The  
 11 certificate under this chapter entitles the holder to  
 12 practice dentistry in any county in this state if the  
 13 certificate is first filed for registration and registered  
 14 in the office of the county clerk and recorder of the county  
 15 in which the holder desires to practice. This chapter does  
 16 not permit a holder of a certificate to practice in a county  
 17 in this state unless the certificate has been first  
 18 registered in the office of the clerk and recorder of the  
 19 county. A holder of a certificate may practice in more than  
 20 one or in any number of counties in this state on having the  
 21 certificate registered in each of the counties in which the  
 22 holder desires to practice.

23 (2) The department shall, on proof satisfactory to the  
 24 board of the loss of a certificate issued under this  
 25 chapter, issue a duplicate certificate, and a fee of ~~-\$10~~ as

1 prescribed by the board shall be charged for issuing the  
 2 certificate."

3 Section 5. Section 37-4-306, MCA, is amended to read:

4 "37-4-306. Admission of dentists from other states --  
 5 reciprocity. (1) A dentist who has been lawfully licensed to  
 6 practice in another state or territory which has and  
 7 maintains a standard for the practice of dentistry or dental  
 8 surgery which in the opinion of the board is equal to that  
 9 at the time maintained in this state, is a graduate of an  
 10 accredited 4-year high school or has actual scholastic  
 11 credits equivalent to a 4-year high school course, is a  
 12 graduate of a recognized dental school or college, has been  
 13 lawfully and continuously engaged in the practice of  
 14 dentistry for 5 years or more immediately before filing his  
 15 application to practice in this state, and deposits in  
 16 person with the department an attested certificate from the  
 17 examining board of the state or territory in which he is  
 18 registered or licensed, certifying to the fact of his  
 19 registration and license and of his being a person of good  
 20 moral character and of professional attainments, may, on the  
 21 payment of a fee of ~~-\$50~~ as prescribed by the board, and  
 22 after satisfactory practical examination demonstrating his  
 23 proficiency, be granted a license to practice dentistry in  
 24 this state without being required to take an examination in  
 25 theory.

1 (2) However, no license may be issued to an applicant  
 2 without an examination in theory unless the state or  
 3 territory from which the certificate has been granted to the  
 4 applicant extends a like privilege to engage in the practice  
 5 of dentistry to dentists licensed by this state who move to  
 6 the other state. The board may enter into reciprocal  
 7 relations with similar boards of other states whose laws are  
 8 practically identical with this chapter."

9 Section 6. Section 37-4-307, MCA, is amended to read:

10 "37-4-307. Annual renewal fee -- absent registered  
 11 dentist -- default. (1) A licensed dentist practicing within  
 12 this state shall annually pay to the department before March  
 13 1, as a renewal fee for the year, a sum set by the board and  
 14 ~~not to exceed \$50. The board may increase or decrease the~~  
 15 ~~annual renewal fee to maintain in the earmarked revenue fund~~  
 16 ~~at all times an amount to be known as the emergency fund~~  
 17 ~~to be used for the purpose of administering, policing, and~~  
 18 ~~enforcing this chapter. The emergency fund shall be~~  
 19 ~~maintained at an approximate level of \$2,500.~~ Notice of the  
 20 change in the amount of renewal fees shall be given to each  
 21 dentist registered in this state by the department.

22 (2) If a registered dentist absents himself from the  
 23 state for a period of 1 or more years or does not engage in  
 24 active practice within this state, he may continue his  
 25 license in good standing by a payment set by the board each

1 year ~~not to exceed \$25~~, or at the discretion of the board,  
 2 he may be reinstated on the payment of a fee of ~~\$25~~  
 3 prescribed by the board for each year's absence. The annual  
 4 payments shall be made prior to March 1 of each year, and a  
 5 receipt or certificate shall be issued by the department.

6 (3) In case of default in payment of the annual  
 7 renewal fee by a dentist, his license shall be revoked by  
 8 the board on 30 days' notice given to the delinquent of the  
 9 time and place of considering the revocation. A registered  
 10 or certified letter addressed to the last-known address of  
 11 the party failing to comply with this requirement, as the  
 12 address appears on the records of the department,  
 13 constitutes sufficient notice of revocation of license, but  
 14 no license may be revoked for nonpayment if the dentist  
 15 notified pays the renewal fee plus a late payment penalty of  
 16 \$10 prescribed by the board before or at the time fixed for  
 17 consideration of revocation. The department may maintain in  
 18 the name of this state a suit to collect renewal fees and  
 19 penalties applicable and to recover from the delinquent  
 20 dentist the cost of the action, including reasonable  
 21 attorneys' fees.

22 (4) No license fee or tax may be imposed on dentists  
 23 by a municipality or any other subdivision of the state."

24 Section 7. Section 37-4-403, MCA, is amended to read:

25 "37-4-403. Issuance of certificate -- fee. An

1 applicant who successfully passes the examination prescribed  
 2 by the board shall, on the payment of a fee of ~~---\$15~~  
 3 prescribed by the board, be granted a license as a dental  
 4 hygienist and shall be registered in a record kept by the  
 5 department and shall receive a certificate, signed by the  
 6 members of the board, in a form prescribed by the board."

7 Section 8. Section 37-4-404, MCA, is amended to read:

8 "37-4-404. Admission of dental hygienists from other  
 9 states -- reciprocity. (1) On the payment of a fee of ~~---\$20~~  
 10 prescribed by the board and after satisfactory practical  
 11 examination demonstrating his proficiency, a dental  
 12 hygienist may be granted a license to practice dental  
 13 hygiene in this state without being required to take an  
 14 examination in theory if he:

15 (a) has been lawfully licensed to practice in another  
 16 state or territory which has and maintains a standard for  
 17 the practice of dental hygiene which, in the opinion of the  
 18 board, is equal to that at the time maintained in this  
 19 state;

20 (b) has been lawfully and continuously engaged in the  
 21 practice of dental hygiene for a period of 1 year or more  
 22 immediately before filing his application to practice in  
 23 this state; and

24 (c) deposits in person with the department an attested  
 25 certificate from the examining board of the state or

1 territory in which he is registered or licensed, certifying  
 2 to the fact of his registration and license and of his being  
 3 a person of good moral character and of professional  
 4 attainments.

5 (2) Except as provided in subsection (3) of this  
 6 section, no license may be issued without an examination in  
 7 theory to the applicant unless the state or territory from  
 8 which the certificate has been granted extends a like  
 9 privilege to engage in the practice of dental hygiene to  
 10 dental hygienists licensed by this state who have moved to  
 11 the other state.

12 (3) A dental hygienist who has been lawfully licensed  
 13 to practice in another state or territory not having  
 14 reciprocity with this state but which has and maintains a  
 15 standard for the practice of dental hygiene which, in the  
 16 opinion of the board, is equal to that at the time  
 17 maintained in this state and who deposits in person with the  
 18 department an attested certificate from the examining board  
 19 of the state or territory in which he is registered or  
 20 licensed, certifying to the fact of his registration and  
 21 license and his being a person of good moral character and  
 22 of professional attainment, may, on the payment of a fee of  
 23 ~~\$20~~ as prescribed by the board, be granted a temporary  
 24 license authorizing the person to practice dental hygiene  
 25 from the time of the granting of the license until the time

1 of the next regular examination for dental hygiene set by  
2 the board. No additional fee for the examination may be  
3 charged.

4 (4) The board may enter into reciprocity agreements  
5 with other states or territories, the standards of which as  
6 to the practice of dental hygiene are, in the opinion of the  
7 board, equal to those of this state."

8 Section 9. Section 37-4-406, MCA, is amended to read:

9 "37-4-406. Annual renewal fee --<sup>1</sup> revocation of  
10 license. (1) Before March 1 of each year, a licensed dental  
11 hygienist shall pay to the department a renewal fee set by  
12 the board ~~not to exceed \$25~~. In default of payment, the  
13 board may, after hearing and on 30 days' notice, revoke the  
14 license of the hygienist in default; but the payment of the  
15 renewal fee on or before the time of hearing, with an  
16 additional sum set by the board ~~not to exceed \$10~~, excuses  
17 the default. The department may collect the fee by suit.

18 (2) The board may likewise revoke or suspend the  
19 license of a dental hygienist for violating this chapter."

20 Section 10. Section 37-5-302, MCA, is amended to read:

21 "37-5-302. Examination -- examination fee. (1) A  
22 person commencing the practice of osteopathy in this state,  
23 in any of its branches, shall apply to the department for a  
24 license to do so, and the applicant, at the time and place  
25 designated by the board, shall submit to an examination in

1 the following subjects: anatomy, physiology, chemistry,  
2 pathology, bacteriology, gynecology, obstetrics, and theory  
3 and practice of osteopathy and other subjects taught in  
4 well-regulated and recognized schools of osteopathy and  
5 considered advisable by the board and shall present evidence  
6 of having actually attended, as required in 37-5-301, a  
7 legally authorized and regularly conducted school of  
8 osteopathy recognized by the board, except as otherwise  
9 provided in 37-5-201.

10 (2) Examination papers on subjects peculiar to  
11 osteopathy shall be graded by the department, subject to  
12 37-1-101. The examination shall be scientific and practical,  
13 but of sufficient severity to test the candidate's fitness  
14 to practice osteopathy.

15 (3) After examination the department shall issue a  
16 license to practice osteopathy in this state to applicants  
17 who pass the examination, which license shall be granted by  
18 not less than two members of the board, attested by the  
19 board's seal.

20 (4) The fee for the examination and license ~~is~~ ~~\$20~~  
21 shall be prescribed by the board."

22 Section 11. Section 37-5-307, MCA, is amended to read:

23 "37-5-307. Renewal fee. (1) A person holding a  
24 certificate to practice under this chapter and who is in  
25 active practice in this state shall before April 1 of each

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

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

17 Section 12. Section 37-6-302, MCA, is amended to read:

18 "37-6-302. Qualifications for licensure -- exemptions  
 19 from examination. (1) Examinations shall be held at places  
 20 and times the board directs. Persons who wish to begin the  
 21 practice of podiatry in this state shall make application,  
 22 on a form authorized by the state board of podiatry  
 23 examiners and furnished by the department, for a license to  
 24 practice podiatry. The license may be granted to applicants  
 25 after they have furnished satisfactory proof of good moral

1 character, of having attained high school graduation or its  
 2 equivalent, of having at least 4 years or equivalent time in  
 3 quarter or semester hours of instruction in an accredited  
 4 college of podiatry recognized as being in good standing by  
 5 the board and have successfully passed the examination.

6 (2) A license without written examination may be  
 7 granted to podiatrists of other states maintaining equal  
 8 statutory requirements for the practice of podiatry and  
 9 extending the same reciprocal privilege to this state if  
 10 they have had a valid license and practiced for at least 2  
 11 preceding years in that state prior to filing for reciprocal  
 12 privilege and by payment of \$50 a fee prescribed by the  
 13 board to the department.

14 (3) A license may be granted, at the discretion of the  
 15 board and upon payment of \$50 a fee prescribed by the board  
 16 to the department, if the applicant has successfully  
 17 completed the national podiatry board examination and after  
 18 a personal interview by the board."

19 Section 13. Section 37-6-303, MCA, is amended to read:

20 "37-6-303. Examination -- subjects -- fees --  
 21 reexamination. (1) A person not exempt from examination  
 22 under 37-6-302 and desiring a license to practice podiatry  
 23 shall be examined in the following subjects: anatomy,  
 24 chemistry, dermatology, diagnosis, materia medica,  
 25 pathology, physiology, therapeutics, clinical and orthopedic

1 podiatry, histology, bacteriology, pharmacy, neurology,  
 2 surgery (minor), podiatry, foot orthopedics, shoe therapy,  
 3 physiotherapy, roentgenology, hygiene and sanitation,  
 4 ethics, and culture, limited in their scope to the treatment  
 5 of the human foot, and, if qualified, shall receive a  
 6 license. The minimum requirements for a license are a  
 7 general average of 75% in all the subjects involved and not  
 8 less than 50% in any one subject.

9 (2) An examination and license fee of ~~\$35~~ prescribed  
 10 by the board shall be paid to the department.

11 (3) An applicant failing the examination and being  
 12 refused a license is entitled within 6 months of the refusal  
 13 to a reexamination, but one reexamination exhausts his  
 14 privilege under the original examination."

15 Section 14. Section 37-6-304, MCA, is amended to read:

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

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

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

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

18 Section 15. Section 37-7-302, MCA, is amended to read:

19 "37-7-302. Examination -- qualifications -- fees --  
 20 reciprocity. (1) The department shall give reasonable notice  
 21 of examinations by mail to known applicants. The department  
 22 shall record the names of persons examined, together with  
 23 the grounds on which the right of each to examination was  
 24 claimed, and also the names of persons registered by  
 25 examination or otherwise.

1 (2) The fee for an examination shall be set by the  
2 board at a figure commensurate with costs, which fee may in  
3 the discretion of the board be returned to applicants not  
4 taking the examination. On again making payment of the fee,  
5 an applicant who fails is entitled to take the next  
6 succeeding examination free of charge.

7 (3) The fee for registration by reciprocity ~~is~~ ~~--\$200~~  
8 shall be prescribed by the board.

9 (4) To be entitled to examination as a pharmacist, the  
10 applicant shall be a citizen of the United States, of good  
11 moral character, and a graduate of the school of pharmacy of  
12 the university of Montana or of a college or school of  
13 pharmacy recognized and approved by or a member of the  
14 American association of colleges of pharmacy; but the  
15 applicant may not receive a registered pharmacist's license  
16 until he has complied with the internship requirements  
17 established by the board. During this period, if the  
18 applicant has passed the examination, he shall be licensed  
19 as an intern only.

20 (5) The board may in its discretion authorize the  
21 department to grant registration without examination to a  
22 pharmacist licensed by a board of pharmacy or a similar  
23 board of another state which accords similar recognition to  
24 licensees of this state if the requirements for registration  
25 in the other state are, in the opinion of the board,

1 equivalent to the requirements of this chapter.

2 (6) Every person licensed and registered under this  
3 chapter shall receive from the department an appropriate  
4 certificate attesting the fact, which shall be conspicuously  
5 displayed at all times in his place of business. If the  
6 holder is entitled to manage or conduct a pharmacy in this  
7 state for himself or another, the fact shall be set forth in  
8 the certificate."

9 Section 16. Section 37-7-303, MCA, is amended to read:  
10 "37-7-303. Annual renewal fee. (1) A person licensed  
11 and registered by the department shall annually pay to the  
12 department before June 30 a renewal of registration fee of  
13 ~~\$15~~ prescribed by the board. A default in the payment of a  
14 renewal fee for a period of 30 days after the date it is due  
15 increases the renewal fee to ~~\$30~~ as prescribed by the board.  
16 It is unlawful for a person who refuses or fails to pay the  
17 renewal fee to practice pharmacy in this state. A  
18 certificate and renewal expires at the time prescribed, not  
19 later than 1 year from its date. A defaulter in a renewal  
20 fee may be reinstated within 1 year of the default without  
21 examination on payment of the arrears and compliance with  
22 the continuing education provisions of this chapter.

23 (2) The board may charge an additional fee ~~of~~ ~~--up--to~~  
24 ~~\$10~~ for such license renewal to be used in administering the  
25 continuing education provisions of this chapter."



1 Section 17. Section 37-7-321, MCA, is amended to read:

2 \*37-7-321. Store license -- certified pharmacy license  
 3 -- suspension or revocation. (1) The department shall, on  
 4 application on forms prescribed by the board and on the  
 5 payment of an annual fee of ~~\$10~~ prescribed by the board,  
 6 license stores other than pharmacies in which are sold  
 7 ordinary household or medicinal drugs prepared in sealed  
 8 packages or bottles by a manufacturer qualified under the  
 9 laws of the state in which the manufacturer resides. The  
 10 name and address of the manufacturer shall appear  
 11 conspicuously on each package sold by the licensee. It is  
 12 unlawful for a store to sell, deliver, or give away  
 13 household medicinal drugs without first having secured a  
 14 license and thereafter keeping it in force by proper  
 15 renewal. This subsection does not prevent a vendor from  
 16 selling a patent or proprietary medicine in the original  
 17 package when plainly labeled or nonmedical articles usually  
 18 sold by vendors.

19 (2) The board shall provide for the original  
 20 certification and annual renewal by the department of every  
 21 pharmacy doing business in this state. On presentation of  
 22 evidence satisfactory to the board and on application on a  
 23 form prescribed by the board and on the payment of an  
 24 original certification fee of ~~\$100~~ prescribed by the board,  
 25 the department shall issue a license to a pharmacy as a

1 certified pharmacy. However, the license may be granted only  
 2 to pharmacies operated by registered pharmacists or  
 3 registered interns qualified under this chapter. The annual  
 4 renewal fee for a pharmacy shall be set by the board in an  
 5 amount ~~not to exceed \$50~~. Any default in the payment of  
 6 such renewal fee for a period of 30 days after the date the  
 7 same is due shall increase the renewal fee ~~to the sum of~~  
 8 ~~\$100~~ as prescribed by the board. The license must be  
 9 displayed in a conspicuous place in the pharmacy for which  
 10 it is issued and expires on June 30 following the date of  
 11 issue. It is unlawful for a person to conduct a pharmacy,  
 12 use the word "pharmacy" to identify his business, or use the  
 13 word "pharmacy" in advertising unless a license has been  
 14 issued and is in effect.

15 (3) The board may suspend, revoke, or refuse to renew  
 16 a store or pharmacy license:

17 (a) obtained by false representation or fraud;

18 (b) when the pharmacy for which the license is issued  
 19 is kept open for the transaction of business without a  
 20 pharmacist in charge;

21 (c) when the person to whom the license is granted has  
 22 been convicted of:

23 (i) a violation of parts 1 through 3 of this chapter;

24 (ii) a felony; or

25 (iii) a violation of the Federal Food, Drug, and

1 Cosmetic Act of June 25, 1938, (52 Stats. 1040 through  
2 1059);

3 (d) when the person to whom the license is granted is  
4 a natural person whose pharmacist or intern license has been  
5 revoked; or

6 (e) when the store or pharmacy is conducted in  
7 violation of parts 1 through 3 of this chapter.

8 (4) Before a license can be revoked, the holder is  
9 entitled to a hearing by the board."

10 Section 18. Section 37-8-406, MCA, is amended to read:

11 "37-8-406. Professional nursing -- examination -- fee.

12 An applicant for a license to practice professional nursing  
13 is required to pass a written examination in subjects the  
14 board, acting under the professional nursing administration,  
15 determines. A written examination may be supplemented by an  
16 oral or practical examination. On successfully passing the  
17 examination, the department shall issue to the applicant a  
18 license to practice nursing as a registered professional  
19 nurse. The applicant shall pay a fee of ~~\$35~~ prescribed by  
20 the board at the time the application is submitted, which  
21 shall be returned to the applicant if the application is  
22 withdrawn not later than 5 days prior to the date of  
23 examination or if the examination is not taken, subject to  
24 deduction by the department of ~~\$1~~ an amount prescribed by  
25 the board per subject of the examination which shall be

1 retained by the department."

2 Section 19. Section 37-8-407, MCA, is amended to read:

3 "37-8-407. Reciprocity -- professional nursing. (1)

4 The board--professional nursing administration may issue  
5 without examination a license to practice nursing as a  
6 registered professional nurse to an applicant who has been  
7 licensed or registered as a professional nurse under the  
8 laws of another state or territory if in the opinion of the  
9 board the applicant meets the qualifications required of  
10 registered nurses in this state at the time the applicant  
11 graduated from a school of nursing. The applicant shall pay  
12 a fee of ~~\$35~~ prescribed by the board at the time the  
13 application is submitted, which shall be returned to the  
14 applicant if the application is withdrawn not later than 5  
15 days prior to final submission of the application to the  
16 board, subject to deduction of \$5 an amount prescribed by  
17 the board to be retained by the department.

18 (2) An applicant may, pending licensure as a  
19 professional nurse under subsection (1) of this section,  
20 practice professional nursing as an employee of a health  
21 care agency for a period not longer than 3 months from the  
22 date the department acknowledges receiving from the nurse a  
23 completed statement, on a form provided by the department,  
24 of intention to practice. The statement shall consist of an  
25 affidavit by the nurse and an affidavit by the employer

1 where the nurse intends to practice professional nursing.  
 2 The affidavit of the nurse and the affidavit of the employer  
 3 shall contain the information deemed by the board necessary  
 4 for the statement.

5 (3) Subsection (2) does not permit the nurse to  
 6 practice for more than a 3-month period or in any event  
 7 after being notified by the board through the department  
 8 that the application for a license has been denied or in all  
 9 cases after being notified by the board through the  
 10 department to cease and desist this practice. Notice shall  
 11 be given by registered or certified mail to the address of  
 12 the applicant as it appears in the statement of the  
 13 applicant."

14 Section 20. Section 37-8-418, MCA, is amended to read:

15 "37-8-418. Licensed practical nursing -- application  
 16 fee. An applicant for a license to practice as a licensed  
 17 practical nurse shall pay a fee of ~~\$35~~ prescribed by the  
 18 board to the department at the time the application is  
 19 submitted, which fee shall be returned to the applicant if  
 20 the application is withdrawn not later than 5 days prior to  
 21 the date of examination or the final submission to the board  
 22 of application for endorsement without examination, subject  
 23 to a deduction of \$5 an amount prescribed by the board to be  
 24 retained by the department."

25 Section 21. Section 37-8-431, MCA, is amended to read:

1 "37-8-431. Renewal of license. (1) The license of a  
 2 person licensed under this chapter must be annually renewed.  
 3 Before December 1 of each year, the department shall mail an  
 4 application form for renewal of license to every person to  
 5 whom a license was issued or renewed during the year. The  
 6 applicant shall carefully complete and subscribe the  
 7 application form and return it to the department with a  
 8 renewal fee of ~~\$10~~ prescribed by the board before January 1.

9 (2) The board may increase or decrease the annual  
 10 license fee so as to maintain in the earmarked revenue fund  
 11 at all times an adequate amount to be used for the purpose  
 12 of administering, policing, and enforcing the provisions of  
 13 this chapter. On receipt of the application and fee, the  
 14 department shall verify the accuracy of the application  
 15 against its record and from other sources the board  
 16 considers reliable and issue to the applicant a certificate  
 17 of renewal for the current year beginning January 1 and  
 18 expiring December 31 following. The certificate of renewal  
 19 renders the holder a legal practitioner of nursing for the  
 20 period stated in the certificate of renewal.

21 (3) A licensee who allows his license to lapse by  
 22 failing to renew the license may be reinstated by the board  
 23 on satisfactory explanation for the failure to renew license  
 24 and on payment of the current renewal fee prescribed by the  
 25 board.

1 (4) A person practicing nursing during the time  
2 following the date his license has expired is an illegal  
3 practitioner and is subject to the penalties provided for  
4 violations of this chapter."

5 Section 22. Section 37-9-304, MCA, is amended to read:

6 "37-9-304. Fees. (1) Each person who applies for  
7 licensure, whether by waiver, examination, or reciprocity,  
8 shall be required to pay a fee of ~~\$25~~ prescribed by the  
9 board at the time of application.

10 (2) Each person licensed as a nursing home  
11 administrator shall be required to pay a license fee in an  
12 amount to be fixed by the board, ~~not to exceed \$100~~. A  
13 license shall expire on December 31 in the year for which it  
14 is issued and shall be renewable annually upon timely  
15 payment of the license fee.

16 (3) Each person registered as an inactive nursing home  
17 administrator shall be required to pay a registration fee in  
18 the amount of ~~not more than \$25~~ fixed by the board. An  
19 inactive registration shall expire on December 31 in the  
20 year for which it is issued and shall be renewable annually  
21 upon timely payment of the inactive registration fee.

22 (4) The fee for issuing a duplicate license shall be  
23 ~~\$10~~ fixed by the board."

24 Section 23. Section 37-10-302, MCA, is amended to  
25 read:

1 "37-10-302. Examination -- qualifications --  
2 application -- issuance of certificate. (1) The board shall  
3 adopt rules relative to and governing the qualifications of  
4 applicants for certificates of registration as optometrists.  
5 If the applicant does not meet the requirements of the  
6 rules, he is not eligible to take an examination to practice  
7 optometry in this state. If the applicant meets the  
8 requirements of the rules, he must pass an examination given  
9 by the department, subject to 37-1-101. Examinations shall  
10 be practical in character and designed to ascertain the  
11 applicant's fitness to practice the profession of optometry  
12 and shall be conducted in the English language. The  
13 department shall publish and distribute the examination  
14 requirements for a certificate to practice optometry in this  
15 state. The board may accept the grades an applicant has  
16 received in the written examinations given by the national  
17 board of examiners in optometry.

18 (2) No person is eligible to take the examination  
19 unless he is 18 years of age, a citizen of the United  
20 States, and of good moral character.

21 (3) No person is eligible to take the examination  
22 unless he has certificates of graduation from an accredited  
23 high school and from a school of optometry in which the  
24 practice and science of optometry is taught in a course of  
25 study covering 8 semesters or 4 years of actual attendance

1 and which is accredited by the international association of  
 2 boards of examiners in optometry. Instead of the  
 3 certificates of graduation, an applicant for examination  
 4 may, with like effect, furnish an affidavit that he has  
 5 practiced optometry exclusively for a period of at least 6  
 6 years in some other state or states.

7 (4) A person desiring to be examined in optometry  
 8 shall file an application, in the manner prescribed by the  
 9 board, at least 4 weeks before the examination is held, and  
 10 a fee of ~~\$25~~ prescribed by the board shall accompany the  
 11 application.

12 (5) A person successfully passing the examination  
 13 shall be registered in a register which shall be kept by the  
 14 department, and on the payment of a fee of ~~\$10~~ prescribed by  
 15 the board shall receive a certificate of registration signed  
 16 by the members of the board."

17 Section 24. Section 37-10-307, MCA, is amended to  
 18 read:

19 "37-10-307. Annual renewal -- fee. A registered  
 20 optometrist who desires to continue the practice of  
 21 optometry in this state shall annually before July 2 of each  
 22 year pay to the department a renewal fee ~~not-to-exceed-the~~  
 23 ~~sum-of-\$50,~~ prescribed by the board in return for which a  
 24 renewal of registration shall be issued. If a person fails  
 25 or neglects to procure his annual renewal of registration,

1 his certificate of registration shall be revoked by the  
 2 board; however, no certificate of registration may be  
 3 revoked without 90 days' notice having been given to the  
 4 delinquent, who within this period may renew his certificate  
 5 of registration on the payment of the renewal fee with a  
 6 penalty of ~~\$35~~ prescribed by the board."

7 Section 25. Section 37-11-307, MCA, is amended to  
 8 read:

9 "37-11-307. Applicants licensed in other states. The  
 10 board may, in its discretion, authorize the department to  
 11 license as a physical therapist, without examination, on the  
 12 payment of the required fee ~~not-to-exceed-\$100,~~ as  
 13 established by the board, an applicant for license who is a  
 14 physical therapist licensed under the laws of another state  
 15 or territory if the requirements for a license for physical  
 16 therapists in the state or territory in which the applicant  
 17 was licensed were at the date of his license substantially  
 18 equal to the requirements in force in this state. However,  
 19 the board may require a written, oral, or practical  
 20 examination."

21 Section 26. Section 37-11-308, MCA, is amended to  
 22 read:

23 "37-11-308. Annual renewal of license -- fee. A  
 24 licensed physical therapist shall, during January, apply to  
 25 the department for a renewal of his license and pay a fee

1 ~~not-to-exceed-\$50~~ which shall be set by board rule. A  
2 license that is not renewed before April every year  
3 automatically lapses. The board may, in its discretion,  
4 revive and renew a lapsed license on the payment of all past  
5 unpaid renewal fees or a late renewal fee."

6 Section 27. Section 37-11-309, MCA, is amended to  
7 read:

8 "37-11-309. Temporary license. (1) On payment to the  
9 department of a fee ~~not-to-exceed-\$100~~ which shall be set by  
10 board rule and the submission of a written application on  
11 forms provided by it, the department shall issue, without  
12 examination, a temporary license to practice physical  
13 therapy in this state for a period not to exceed 1 year to a  
14 person who meets the qualifications set forth in 37-11-303,  
15 on submission by the person of evidence satisfactory to the  
16 board that he is in this state on a temporary basis to  
17 assist in a case of medical emergency or to engage in a  
18 special physical therapy project.

19 (2) On the submission of a written application on  
20 forms provided by it, the department shall issue a temporary  
21 license to a person who has applied for a license under this  
22 chapter and who is, in the judgment of the board, eligible  
23 to take the examination provided for in 37-11-303. This  
24 temporary license is available to an applicant only with  
25 respect to his first application for a license under

1 37-11-307, or to a foreign-trained physical therapist, and  
2 the license expires when the board makes a final  
3 determination with respect to the application."

4 Section 28. Section 37-12-302, MCA, is amended to  
5 read:

6 "37-12-302. Applications -- qualifications -- fees.

7 (1) A person wishing to practice chiropractic in this state  
8 shall make application to the department, on the form and in  
9 the manner prescribed by the board, at least 21 days prior  
10 to a meeting of the board. Each applicant shall be a  
11 graduate of a college of chiropractic approved by the board,  
12 in which he has attended a course of study of 4 school years  
13 of not less than 9 months each, and shall present evidence  
14 showing completion of 2 full academic years of college or  
15 university work from an institution acceptable to the board  
16 of regents of higher education. Application shall be made  
17 in writing and shall be sworn to by an officer authorized to  
18 administer oaths and shall recite the history of applicant's  
19 educational qualifications, how long he has studied  
20 chiropractic, of what school or college he is a graduate,  
21 and the length of time he has been engaged in practice. The  
22 application shall be accompanied with proofs by diplomas,  
23 certificates, etc., and satisfactory evidence of good  
24 character and reputation.

25 (2) There shall be paid to the department by an

1 applicant for a license a fee of--\$50 prescribed by the  
 2 board. Like fees shall be paid for a subsequent examination  
 3 and application."

4 Section 29. Section 37-12-305, MCA, is amended to  
 5 read:

6 "37-12-305. Licensing chiropractors from other states  
 7 without examination. Persons licensed to practice  
 8 chiropractic under the laws of any other state having  
 9 chiropractic educational requirements equal to this chapter  
 10 may, in the discretion of the board, be issued a license to  
 11 practice in this state without examination upon payment of  
 12 the fee of--\$50 prescribed by the board as herein provided."

13 Section 30. Section 37-12-307, MCA, is amended to  
 14 read:

15 "37-12-307. Annual renewal of license -- fee --  
 16 continuing education required. A license expires on  
 17 September 1 of each year and shall be renewed by the  
 18 department on payment of a renewal fee of--not--more--than--\$50,  
 19 as set by the board, and the presentation of evidence  
 20 satisfactory to the board that the licensee, in the year  
 21 preceding the application for renewal, attended and  
 22 successfully completed a postgraduate educational program  
 23 for chiropractors consisting of monitored classroom time  
 24 conducted by instructors from accredited colleges of  
 25 chiropractic in subjects designated and approved by the

1 board. However, the board may authorize the department to  
 2 issue renewals, but not consecutive renewals, on a showing  
 3 satisfactory to the board that attendance at the educational  
 4 programs was unavoidably prevented; and new licensees during  
 5 the 6 months preceding September 1, by examination, shall be  
 6 granted renewal licenses without attending the educational  
 7 programs."

8 Section 31. Section 37-12-323, MCA, is amended to  
 9 read:

10 "37-12-323. Reconsideration of board action -- fee for  
 11 restoration of license. (1) At any time after refusal,  
 12 suspension, or revocation of license or placement on  
 13 probation or any other disciplinary action, the board may,  
 14 on its own motion or on application, reconsider its prior  
 15 action and reverse, rescind, or modify such action.

16 (2) A person whose license has been revoked and later  
 17 restored shall pay a fee of--\$50 prescribed by the board for  
 18 the restoration."

19 Section 32. Section 37-13-302, MCA, is amended to  
 20 read:

21 "37-13-302. Application for examination -- fee --  
 22 qualifications. (1) Each person desiring to practice  
 23 acupuncture in this state shall make application for  
 24 examination with the secretary of the board, upon the forms  
 25 and in the manner as prescribed by the board, at least 30

1 days before the date set by the board for the commencement  
 2 of the examination. An examination fee of ~~\$50~~ prescribed by  
 3 the board shall accompany the application.

4 (2) A person making application shall furnish the  
 5 board evidence that he is:

6 (a) at least 18 years of age;

7 (b) a citizen of the United States or has filed a  
 8 properly executed declaration of intention to become a  
 9 citizen of the United States;

10 (c) of good moral character, as determined by the  
 11 board; and

12 (d) a graduate of an approved school of acupuncture or  
 13 has completed a course in acupuncture approved by the  
 14 board."

15 Section 33. Section 37-13-303, MCA, is amended to  
 16 read:

17 "37-13-303. Examination -- scope -- retention and  
 18 inspection of examination papers -- reexamination. (1) Any  
 19 applicant meeting the requirements of this chapter shall be  
 20 admitted to an assembled examination to be conducted by the  
 21 board. An examination shall be held at least twice a year.  
 22 The examination shall be practical in character and  
 23 sufficiently thorough to test the fitness of the applicant  
 24 to practice acupuncture. The examination shall be in  
 25 writing, insofar as the board shall deem practicable, and

1 shall cover such subjects as prescribed in the curriculum  
 2 and taught in the schools which offer courses leading to the  
 3 degree of doctor of acupuncture, master of acupuncture,  
 4 master acupuncturist, or their equivalent. Demonstration of  
 5 the applicant's skill in the practice of acupuncture may  
 6 also be required.

7 (2) Examination papers of any applicant shall be  
 8 retained 2 years by the secretary of the board and may then  
 9 be destroyed. While retained the examination papers shall be  
 10 open to inspection only by board members, the applicant, or  
 11 by some person appointed by the applicant to examine them or  
 12 by a court of competent jurisdiction in a proceeding where  
 13 the question of the contents of the papers is properly  
 14 involved.

15 (3) Any applicant failing to pass his first  
 16 examination before the board may, at any subsequent meeting  
 17 of the board held for the purpose of examining candidates,  
 18 if otherwise qualified, take subsequent examinations upon  
 19 payment of the fee of ~~\$25~~ prescribed by the board for each  
 20 examination."

21 Section 34. Section 37-13-304, MCA, is amended to  
 22 read:

23 "37-13-304. Issuance of certificate of license --  
 24 license fee. All applicants successfully passing the  
 25 examination required by this chapter shall be registered as



1 licensed acupuncturists in the board register and, upon the  
2 payment of a \$20 license fee prescribed by the board, shall  
3 be issued a certificate of license in such form as  
4 prescribed by the board. The certificate shall bear the  
5 official seal of the board."

6 Section 35. Section 37-13-305, MCA, is amended to  
7 read:

8 "37-13-305. Admission of licensees from other states.  
9 A license without examination may be issued by the board to  
10 any acupuncturist licensed or certified in another state  
11 where the licensing or certification requirements are  
12 substantially equivalent to the requirements of this  
13 chapter, upon payment of the license fee of ~~\$20~~ prescribed  
14 by the board as herein provided."

15 Section 36. Section 37-13-306, MCA, is amended to  
16 read:

17 "37-13-306. Annual renewal -- fee -- military  
18 exemption. (1) The license to practice acupuncture shall  
19 expire on December 31 of each calendar year and shall be  
20 renewed without examination upon request of the licensee.  
21 The request for renewal shall be on forms prescribed by the  
22 board and accompanied by a renewal fee of ~~\$20~~ prescribed by  
23 the board. The request and fee shall be in the hands of the  
24 secretary of the board not later than the expiration date of  
25 the license.

1 (2) On or before December 1 of each calendar year, the  
2 secretary of the board shall notify each licensee by letter,  
3 addressed to his last place of residence as the same appears  
4 on the records of the board, that his license will expire on  
5 December 31 following the date of notice unless application  
6 for renewal, accompanied by the annual renewal fee, is  
7 received by the board on or prior to that date.

8 (3) Immediately following December 31 of each calendar  
9 year, the secretary shall notify all licensees from whom  
10 requests for renewal, accompanied by the renewal fee, have  
11 not been received that their licenses have expired and that  
12 they will be cancelled and revoked upon the records of the  
13 board unless a request for renewal and reinstatement,  
14 accompanied by the renewal fee and an additional fee of ~~\$5~~  
15 prescribed by the board, shall be in the hands of the  
16 secretary prior to February 1 following the expiration date.

17 (4) Immediately following February 1 of each calendar  
18 year, the secretary of the board shall cancel and revoke  
19 upon its records all licenses which have not been renewed or  
20 reinstated as provided by this chapter and shall notify the  
21 licensees whose licenses are so revoked of such action.

22 (5) Any licensee who allows his license to lapse by  
23 failing to renew or reinstate the same as herein provided  
24 may subsequently reinstate the same upon good cause shown to  
25 the satisfaction of the board and upon payment of all annual

1 renewal fees then accrued plus an additional fee of--\$5  
2 prescribed by the board for each year following the  
3 cancelling of the license.

4 (6) Any person actively engaged in the military  
5 service of the United States and licensed to practice  
6 acupuncture as herein provided shall not be required to pay  
7 the annual renewal fee or make application for renewal until  
8 December 31 of the calendar year in which he returns from  
9 military service to civilian or inactive status."

10 Section 37. Section 37-14-303, MCA, is amended to  
11 read:

12 "37-14-303. Examination -- application fee. (1)  
13 Examinations for licensure as a radiologic technologist  
14 shall include a written portion and may also include  
15 practical and oral portions as established by the board.

16 (2) The board shall provide applicants for licensure  
17 the opportunity for examinations at intervals not to exceed  
18 6 months.

19 (3) A nonrefundable examination fee, established by  
20 the board ~~but not to exceed \$50~~, shall be submitted prior to  
21 examination for licensure. An applicant failing the  
22 examination shall be charged a nonrefundable application fee  
23 for any subsequent examination. An applicant failing any  
24 subsequent examination is not eligible for reexamination  
25 until 12 months following the last failed examination."

1 Section 38. Section 37-14-305, MCA, is amended to  
2 read:

3 "37-14-305. Issuance of license or permit -- fee. The  
4 board shall issue a license or permit to each applicant who  
5 has submitted a nonrefundable licensing fee set by the  
6 board ~~not to exceed \$50~~ and has met the requirements of  
7 this chapter."

8 Section 39. Section 37-15-307, MCA, is amended to  
9 read:

10 "37-15-307. Application and examination fee -- license  
11 fee. The amount of fees prescribed in connection with a  
12 license as a speech pathologist or audiologist shall be as  
13 ~~follows, the exact fee to be~~ determined by the board each  
14 year based on costs and predicted expenditures+

15 ~~{1}--application--and-examination-fee-for-a-license--no~~  
16 ~~less-than-\$50-or-more-than-\$100+~~

17 ~~{2}--license-fee-and-renewal-thereof--no-less-than--\$25~~  
18 ~~or-more-than-\$100."~~

19 Section 40. Section 37-16-402, MCA, is amended to  
20 read:

21 "37-16-402. Application -- qualifications -- fee. An  
22 applicant for a license shall pay a fee of ~~\$50~~ prescribed by  
23 the board and shall show to the satisfaction of the board  
24 that he:

25 (1) is a person of good moral character;

1 (2) has an education equivalent to a 4-year course in  
2 an accredited high school or has continuously engaged in the  
3 practice of fitting and dispensing hearing aids during the 3  
4 years preceding the date of application;

5 (3) is free of contagious or infectious disease."

6 Section 41. Section 37-16-405, MCA, is amended to  
7 read:

8 "37-16-405. Temporary license. (1) An applicant who  
9 fulfills the requirements of 37-16-402 and who has not  
10 previously applied to take the examination under 37-16-403  
11 may apply to the department for a temporary license.

12 (2) On receiving an application under subsection (1)  
13 of this section, accompanied by a fee of ~~\$25~~ prescribed by  
14 the board, the department shall issue a temporary license  
15 which entitles the applicant to practice the fitting and  
16 dispensing of hearing aids for a period ending 30 days after  
17 the conclusion of the next examination given after the date  
18 of issue.

19 (3) No temporary license may be issued by the  
20 department unless the applicant shows to the satisfaction of  
21 the board that he is or will be supervised and trained by a  
22 person who holds a valid license issued under this chapter.

23 (4) If a person who holds a temporary license does not  
24 take the next examination given after the date of issue, the  
25 temporary license may not be renewed except for a good cause

1 shown to the satisfaction of the board.

2 (5) If a person who holds a temporary license takes  
3 and fails to pass the next examination given after the date  
4 of issue, the board may authorize the department to renew  
5 the temporary license for a period ending 30 days after the  
6 results of the next examination given after the dates of  
7 renewal are announced. In no event may more than two  
8 renewals be permitted. The fee for renewal ~~is \$30~~ shall be  
9 prescribed by the board."

10 Section 42. Section 37-16-407, MCA, is amended to  
11 read:

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

23 Section 43. Section 37-17-307, MCA, is amended to  
24 read:

25 "37-17-307. Fees -- deposit of fees. (1) The

1 department shall collect the following fees, none of which  
2 is refundable:

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

4 (b) examination fee, an amount commensurate with the  
5 charge of the professional examination service and  
6 administrative costs of the department and as set by the  
7 board;

8 (c) certificate fee, ~~\$10;~~

9 (d) renewal fee, ~~\$20 to \$50.~~

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

12 ~~(3) The initial certificate fee shall be prorated as~~  
13 ~~follows:~~

14 ~~(a) if the certificate is issued between January 2 and~~  
15 ~~March 31, \$10;~~

16 ~~(b) if the certificate is issued between April 1 and~~  
17 ~~June 30, \$7.50;~~

18 ~~(c) if the certificate is issued between July 1 and~~  
19 ~~September 30, \$5;~~

20 ~~(d) if the certificate is issued between October 1 and~~  
21 ~~January 1, \$2.50.~~

22 (4) (2) Renewal certificates shall be secured annually  
23 and dated January 2.

24 (5) (3) Fees received by the department shall be  
25 deposited in the earmarked revenue fund for the use of the

1 board, subject to 37-1-101(6)."

2 Section 44. Section 37-18-307, MCA, is amended to  
3 read:

4 "37-18-307. Renewal -- fee -- continuing education --  
5 automatic renewal for military personnel. (1) A person  
6 licensed to practice veterinary medicine in this state shall  
7 procure from the department before July 1 annually his  
8 certificate of registration. The certificate shall be issued  
9 by the department on the payment of a fee to be fixed  
10 annually by the board, not exceeding the sum of \$25, and the  
11 presentation of evidence satisfactory to the board that the  
12 licensee, in the year preceding the application for renewal,  
13 attended an educational program approved by the board.  
14 However, the board may authorize the department to issue  
15 renewals, but not consecutive renewals, on a showing  
16 satisfactory to the board that attendance at the educational  
17 programs was unavoidably prevented; and new licensees who  
18 secure licenses by examination during the 6 months preceding  
19 July 1 shall be granted renewals without attending the  
20 educational programs. The certificate is prima facie  
21 evidence of the right of the holder to practice veterinary  
22 medicine in this state during the time for which it is  
23 issued.

24 (2) Failure of a person licensed to procure a  
25 certificate of registration before July 1, annually,

1 constitutes a forfeiture of the license held by the person.  
 2 A person who has thus forfeited his license may have it  
 3 restored to him by making written application for  
 4 restoration within 1 year of the forfeiture, setting forth  
 5 the reasons for failure to procure the certificate of  
 6 registration at the time specified and accompanied by  
 7 payment of the registration fee provided for in this section  
 8 and an additional restoration fee ~~not in excess of \$25~~, as  
 9 the board requires and by presentation of evidence  
 10 satisfactory to the board that he has fulfilled the  
 11 continuing educational requirements of all licensees recited  
 12 above. The person making application for restoration of  
 13 license within 1 year of its forfeiture is not required to  
 14 submit to examination.

15 (3) Notwithstanding any other provisions in this  
 16 chapter, a person licensed who enters or is called to active  
 17 duty by a branch of the armed services of the United States  
 18 is entitled to receive automatic registration of his license  
 19 during the period of his duty with the armed services.  
 20 However, within 1 year after release or discharge from duty  
 21 in the armed services he shall procure a certificate of  
 22 renewal from the department and pay the regular fee. Failure  
 23 to procure the certificate of renewal within 1 year after  
 24 release or discharge is the equivalent of a failure to  
 25 procure a certificate of registration before July 1 of any

1 year, and the same forfeiture and restoration requirements  
 2 apply.

3 (4) A person licensed shall at all times have his  
 4 residence and office address on file with the department."

5 Section 45. Section 37-18-403, MCA, is amended to  
 6 read:

7 "37-18-403. Licensure without examination. A person  
 8 who can produce satisfactory evidence that he has been  
 9 employed as a veterinary technician in the office of a  
 10 regularly licensed veterinarian in the state of Montana for  
 11 2 or more years prior to March 25, 1975, may, upon payment  
 12 of a fee of ~~\$25~~ prescribed by the board, be granted a  
 13 certificate to practice by the board of veterinarians;  
 14 provided that if the board in its discretion finds that  
 15 animal health and the public interest so require, the board  
 16 may require the applicant to pass a practical examination in  
 17 veterinary technology. A certificate must be secured before  
 18 such person may continue practice as a veterinary  
 19 technician."

20 Section 46. Section 37-18-405, MCA, is amended to  
 21 read:

22 "37-18-405. Renewal -- board to be kept informed of  
 23 employer. (1) Each licensed veterinary technician shall  
 24 annually on or before July 1 procure from the board a  
 25 certificate of annual registration. The fee for annual

1 registration shall be fixed by the board ~~not exceeding the~~  
 2 ~~sum of \$10~~. Failure of a licensee to procure a certificate  
 3 of registration on or before July 1 shall constitute a  
 4 forfeiture of the license.

5 (2) Each licensed veterinary technician shall keep the  
 6 board informed of his address, the name and address of the  
 7 licensed veterinarian or of the state department which is  
 8 his employer, and such other information as the board may by  
 9 rule require."

10 Section 47. Section 37-19-301, MCA, is amended to  
 11 read:

12 "37-19-301. Funeral director's license -- renewal --  
 13 fee. The practice of funeral directing by anyone who does  
 14 not hold a funeral director's license or a mortician's  
 15 license issued by the department is prohibited. A person  
 16 licensed to practice funeral directing on June 1, 1963, is  
 17 entitled to an annual renewal of his license on payment of a  
 18 renewal fee to the department on July 1 of each year. The  
 19 amount of the annual renewal license fee shall be set by the  
 20 board ~~but may not exceed \$25~~. A funeral director's license  
 21 may not be issued to a person who is not licensed by the  
 22 board of embalmers and funeral directors to practice funeral  
 23 directing on June 1, 1963."

24 Section 48. Section 37-19-303, MCA, is amended to  
 25 read:

1 "37-19-303. Mortician's license -- application fee. A  
 2 person possessing the necessary qualifications may apply to  
 3 the department for a license and on payment of an  
 4 application fee, as set by the board ~~but not to exceed \$75~~,  
 5 may take the examination prescribed by the board. The  
 6 examination shall be held on the second Wednesday of July  
 7 each year in Helena and at such other times and places as  
 8 the board considers necessary."

9 Section 49. Section 37-19-304, MCA, is amended to  
 10 read:

11 "37-19-304. Issuance of intern's license -- license  
 12 fee -- issuance of mortician's license on completion of  
 13 internship. An applicant who passes the examination, upon  
 14 payment of a license fee ~~of \$3~~ prescribed by the board,  
 15 shall be granted an intern mortician's license to practice  
 16 mortuary science under the supervision of a mortician in a  
 17 licensed mortuary in Montana and, upon completion of 1  
 18 year's internship and payment of the annual license fee, may  
 19 apply for and receive a mortician's license."

20 Section 50. Section 37-19-306, MCA, is amended to  
 21 read:

22 "37-19-306. Annual renewal of mortician's license --  
 23 fee -- suspension for nonrenewal. (1) The annual license fee  
 24 for a mortician's license must be postmarked before July 1  
 25 of the assessment year. The amount of the annual renewal fee

1 shall be set by the board ~~but may not exceed \$50.~~

2 (2) Failure to pay the annual renewal fee results in  
3 automatic suspension of the license. The license may be  
4 reinstated by the payment of unpaid renewal fees plus a  
5 penalty ~~of \$25~~ prescribed by the board."

6 Section 51. Section 37-19-403, MCA, is amended to  
7 read:

8 "37-19-403. Power of board to set standards --  
9 inspection. (1) The board may adopt rules prescribing  
10 reasonable standards for operating mortuaries, including  
11 minimum requirements for drainage, ventilation, and  
12 instruments, and may inspect the premises of a mortuary  
13 establishment to determine if such rules are complied with.  
14 Such inspection or inspections shall be made at the  
15 discretion of the board and may be without notice.

16 (2) The board may charge the operator an inspection  
17 fee to be set at the discretion of the board ~~but not to~~  
18 ~~exceed \$25 per year.~~"

19 Section 52. Section 37-30-307, MCA, is amended to  
20 read:

21 "37-30-307. Fees -- handicapped persons exempted --  
22 other fees prohibited. (1) The fee to be paid by an  
23 apprentice for an apprentice examination and an apprentice  
24 card ~~is \$25~~ shall be prescribed by the board.

25 (2) The fee to be paid by an applicant for an

1 examination to determine his fitness to receive a  
2 certificate of registration to practice barbering ~~is \$20 and~~  
3 ~~for the issuance of the certificate an additional \$10~~ shall  
4 be prescribed by the board.

5 (3) A person registered as a barber or barber  
6 apprentice shall, before July 1 of each year, pay a license  
7 fee, set by the board ~~in an amount not to exceed \$15 and~~  
8 based on clerical and administrative costs, for the renewal  
9 of his certificate of registration. If a barber fails to  
10 have the certificate renewed before July 1 of each year, the  
11 barber shall on renewal of the certificate of registration  
12 pay a penalty ~~of \$10~~ prescribed by the board in addition to  
13 the regular renewal fee. If a certificate of registration is  
14 not renewed within 1 year after the date of expiration, the  
15 barber is not entitled to have the certificate of  
16 registration renewed or a new certificate of registration  
17 issued without first applying for and taking the examination  
18 and paying the fees provided for in this section.

19 (4) However, physically handicapped persons trained  
20 for the barber profession by the department of social and  
21 rehabilitation services and certified by that department as  
22 having successfully completed a 9-month course in a  
23 reputable barber college are not required to pay fees and  
24 are for a period of 1 year immediately following their  
25 training exempt from all except the sanitary provisions of

1 this chapter.

2 (5) No other or additional license or fee may be  
3 imposed on barbers or barber apprentices by a municipality  
4 or other subdivision of this state."

5 Section 53. Section 37-30-404, MCA, is amended to  
6 read:

7 "37-30-404. Barber schools -- operator -- license fee  
8 -- patrons. (1) A barber school or college operating in this  
9 state must have in charge a person who has had 10 years'  
10 continuous experience as a barber.

11 (2) The owner of the school or college shall first  
12 secure a permit to operate granted by the board and issued  
13 by the department, on payment of an annual license fee of  
14 \$50 prescribed by the board, and shall keep the permit  
15 prominently displayed.

16 (3) The owner shall, before commencing business, file  
17 with the secretary of state a bond to this state, which  
18 shall be approved by the attorney general, in the sum of  
19 \$2,000, conditioned on the faithful compliance of the barber  
20 school or college with this chapter and the payment of  
21 judgments that may be obtained against the school, college,  
22 or owner on account of fraud, misrepresentation, or deceit  
23 practiced by them or by their agents.

24 (4) Barber schools or barber colleges may not charge  
25 patrons for barbering services and materials rendered.

1 (5) All barber schools or colleges shall keep  
2 prominently displayed a substantial sign as a barber school  
3 or barber college.

4 (6) On receiving students, all barber schools or  
5 colleges shall immediately apply to the department for  
6 student permits on blank forms prescribed by the board."

7 Section 54. Section 37-30-423, MCA, is amended to  
8 read:

9 "37-30-423. Initial inspection fee -- renewal. (1) In  
10 addition to the fees and charges provided by law on March  
11 11, 1939, barbershops established prior to that date and  
12 which had been under the inspection of the board shall pay  
13 an annual license fee set by the board ~~in an amount not to~~  
14 ~~exceed--\$15--and~~ based on clerical and administrative costs.  
15 Barbershops established after March 11, 1939, shall pay an  
16 initial inspection fee ~~of \$25~~ prescribed by the board for  
17 the first year or portion thereof and shall pay an annual  
18 license fee set by the board ~~in an amount not to exceed \$15~~.

19 (2) Barbershop, school, or college licenses expire on  
20 July 1 of each year following the issuance of the license,  
21 and an owner or manager of a barbershop, school, or college  
22 which continues in active operation shall annually, before  
23 July 1, renew his barbershop, school, or college license and  
24 pay the required fee. A barbershop which fails to have the  
25 license renewed before July 1 of each year shall, on



1 renewal, pay a penalty of ~~-\$10~~ prescribed by the board, and a  
 2 barber school or college which fails to have the license  
 3 renewed before July 1 of each year shall, on renewal, pay a  
 4 penalty of ~~-\$55~~ prescribed by the board."

5 Section 55. Section 37-30-424, MCA, is amended to  
 6 read:

7 "37-30-424. Fee for advanced barber training program,  
 8 clinic, or seminar. Any person conducting in this state any  
 9 advanced barber training program, clinic, or seminar for  
 10 barbers as defined in this chapter shall pay an annual  
 11 license fee of ~~-\$50~~ prescribed by the board to the department  
 12 or a 10-day license fee of ~~-\$15~~ prescribed by the board and  
 13 display the license while operating. Any such advanced  
 14 barber training program, clinic, or seminar may be inspected  
 15 by the department at reasonable times during operation."

16 Section 56. Section 37-31-312, MCA, is amended to  
 17 read:

18 "37-31-312. Inspection. (1) The department shall  
 19 appoint one or more inspectors who are licensed to practice  
 20 under this chapter, each of whom shall devote his time to  
 21 inspecting beauty parlors and performing other duties as the  
 22 department may direct. The inspectors may enter a beauty  
 23 parlor or school of cosmetology during business hours for  
 24 the purpose of inspection, and the refusal of a licensee to  
 25 permit the inspection during business hours is cause for

1 revocation of the license.

2 (2) Upon application for a license, any cosmetological  
 3 establishment must pay an initial inspection fee of ~~-\$25~~  
 4 prescribed by the board.

5 (3) The board may authorize the department to grant to  
 6 a cosmetological establishment, upon payment of the initial  
 7 inspection fee, a temporary permit authorizing the  
 8 cosmetological establishment to operate for a period of not  
 9 to exceed 90 days or until the inspector is able to make the  
 10 inspection, whichever event occurs first. This temporary  
 11 permit is not renewable."

12 Section 57. Section 37-31-322, MCA, is amended to  
 13 read:

14 "37-31-322. Renewal -- continuing education --  
 15 delinquency fee. (1) Licenses and certificates may be issued  
 16 for no longer than 1 year unless otherwise provided by rule.  
 17 Licenses and certificates expire on December 31 unless  
 18 otherwise provided by rule or renewed for the next year or  
 19 renewal period. Licenses and certificates may be renewed by  
 20 application made prior to December 31 of each year, unless  
 21 otherwise provided, and the payment of a required renewal  
 22 fee. Expired licenses and certificates may be renewed under  
 23 rules made by the board, but the right to renew an expired  
 24 license or certificate terminates after 10 years of  
 25 nonpayment. The board may provide by rule for a change in

1 the renewal date and renewal period for the manager-operator  
2 and salon owner category. The renewal fee may not exceed  
3 twice the fee for a 2-year renewal or three times the fee  
4 for a 3-year renewal and shall be as set by the board.

5 (2) In addition to the foregoing requirements for  
6 renewal, persons applying for the renewal of teachers'  
7 licenses must have fulfilled the following additional  
8 requirements:

9 (a) During each year, an active teacher, either  
10 full-time or part-time, must have successfully completed 30  
11 hours' professional teacher training at a school approved by  
12 the board.

13 (b) A person holding a teacher's license but not  
14 actively engaged either full-time or part-time in teaching  
15 cosmetology during the preceding year may renew the license  
16 by paying the required fee. A person holding a teacher's  
17 license but not actively engaged in teaching cosmetology  
18 either full-time or part-time for the preceding year or  
19 longer and wishing to resume active teaching of cosmetology  
20 must successfully complete 30 hours' professional teacher  
21 training at a school approved by the board before resuming  
22 active teaching. However, the foregoing provisions do not  
23 prevent the board, under rules it adopts, from permitting a  
24 person holding a teacher's license and not actively engaged  
25 either full-time or part-time in teaching cosmetology from

1 teaching as a substitute for an active teacher.

2 (3) A fee of ~~+\$10~~ prescribed by the board shall be  
3 charged, in addition to other fees fixed by law, for renewal  
4 applications of licenses and certificates made after  
5 December 31 of each year or other predetermined renewal  
6 deadline. The department shall notify license and  
7 certificate holders of the expiration date of licenses and  
8 certificates not less than 30 days before the expiration  
9 date and call attention to the penalty imposed for failure  
10 to renew a license or certificate by the date of  
11 expiration."

12 Section 58. Section 37-31-323, MCA, is amended to  
13 read:

14 "37-31-323. Fees. (1) Fees for licenses and  
15 certificates of registration shall be paid to the department  
16 ~~not to exceed the following respective in~~ amounts prescribed  
17 by the board:

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

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

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

25 ~~(d) An applicant for examination to teach shall pay a~~

1 fee-of-\$60-at-the-time-of-the-application  
 2 (e)--A-person-practicing-cosmetology-as-an-operator  
 3 shall-pay-a-fee-of-\$12-for-the-issuance-of-a-license  
 4 (f)--An-applicant-for-a-manager-operator-license-shall  
 5 pay-a-fee-of-\$20-for-the-issuance-of-a-license  
 6 (g)--An-applicant-for-an-itinerant-license-as-a  
 7 cosmetologist-shall-pay-a-fee-of-\$100  
 8 (h)--A-person,-firm,-partnership-or-corporation  
 9 owning,-operating,-or-conducting-a-cosmetological-salon  
 10 shall-pay-the-sum-of-\$20-for-the-issuance-of-the-certificate  
 11 of-registration  
 12 (i)--A-person-teaching-or-instructing-cosmetology-shall  
 13 pay-a-fee-of-\$20-for-the-issuance-of-a-license  
 14 (j)--A-person,-firm,-partnership-or-corporation  
 15 owning,-operating,-or-conducting-a-school-of-cosmetology  
 16 shall-pay-the-sum-of-\$100-for-a-certificate-of-registration  
 17 (k)--A-person,-firm,-partnership-or-corporation  
 18 owning,-operating,-or-conducting-an-advanced-school-of  
 19 cosmetology-shall-pay-the-sum-of-\$100-for-a-certificate-of  
 20 registration  
 21 (l)--A-person,-firm,-partnership-or-corporation  
 22 owning,-operating,-or-conducting-a-teacher-training-unit-in  
 23 a-school-of-cosmetology-shall-pay-the-sum-of-\$100-for-a  
 24 certificate-of-registration  
 25 (m)--An-applicant-for-reciprocity-license-shall-pay-a

1 fee-of-\$100  
 2 (n)--Duplicate-licenses-or-certificates-of-registration  
 3 shall-be-issued-on-payment-of-\$4-and-proof-of-necessity.  
 4 (2) The license and registration fees shall be paid  
 5 annually, unless otherwise provided by board rule, in  
 6 advance to the department.  
 7 (3) No other or additional license or registration fee  
 8 may be imposed by a municipal corporation or other political  
 9 subdivision of this state for the practice or teaching of  
 10 cosmetology."  
 11 Section 59. Section 37-32-305, MCA, is amended to  
 12 read:  
 13 "37-32-305. Fees -- renewal -- deposit of moneys  
 14 collected. (1) The fee for an original electrologist license  
 15 shall not-exceed-\$50-as be set by the board. The renewal  
 16 shall be automatic, unless revoked or suspended for cause,  
 17 and the renewal fee shall be set by the board.  
 18 (2) The fee for an original electrologist salon  
 19 license shall be the same as that for cosmetology salons.  
 20 The renewal fee shall be the same as that for cosmetology  
 21 salons.  
 22 (3) All licenses issued under this chapter expire on  
 23 December 31 and shall be renewed annually. Failure to renew  
 24 on or before December 31 shall cause a late renewal fee of  
 25 \$10 prescribed by the board to be added to the regular

1 renewal fee. The right to renew by payment of the late  
2 renewal fee expires after 3 years of nonpayment.

3 (4) All fees or moneys collected by the department  
4 under this chapter shall be deposited in the earmarked  
5 revenue fund for the use of the board in administration of  
6 the chapter."

7 Section 60. Section 37-33-302, MCA, is amended to  
8 read:

9 \*37-33-302. Application -- qualifications -- fee. (1)  
10 A person wishing to engage in the occupation of a massage  
11 therapist in this state shall make application to the  
12 department on the form and in the manner prescribed by the  
13 board at least 15 days prior to a meeting of the board. Each  
14 applicant shall hold a diploma or credentials issued by a  
15 recognized, approved school of massage therapy certifying  
16 not less than 1,000 hours of study satisfactory to the  
17 school. Application shall be in writing and sworn to by  
18 some officer authorized to administer oaths and shall recite  
19 the history of the applicant's educational qualifications,  
20 how long he has studied massage therapy, from what school he  
21 holds a certificate, and the length of time he has engaged  
22 in the occupation of massage therapy, accompanying this with  
23 proof by a diploma or certificate and with satisfactory  
24 evidence of good character and reputation.

25 (2) There shall be paid to the department by an

1 applicant for a license a fee of ~~of-\$35~~ prescribed by the board  
2 which shall accompany the application. An applicant failing  
3 to pass the requirements is entitled, within 6 months, to a  
4 reexamination on payment of an additional fee of ~~of--\$10,~~  
5 prescribed by the board but on a third failure may not  
6 reapply for a period of 1 year."

7 Section 61. Section 37-33-305, MCA, is amended to  
8 read:

9 \*37-33-305. Admission of licensees from other states.  
10 Upon payment of the fee of ~~of-\$35~~ prescribed by the board as  
11 herein provided, persons licensed to engage in the  
12 occupation of massage therapist under the laws of any other  
13 state having equal requirements to this chapter may, in the  
14 discretion of the board, be issued a license to engage in  
15 the occupation of massage therapist in this state without  
16 examination."

17 Section 62. Section 37-33-306, MCA, is amended to  
18 read:

19 \*37-33-306. Renewal. (1) A license expires on December  
20 31 of each year and shall be renewed then or thereafter, by  
21 the department, on payment of a renewal fee of ~~of-not-less-than~~  
22 ~~\$10-or-more-than-\$50,~~ as set by the board.

23 (2) Any licensee who fails to renew on or before  
24 December 31 of each year shall be required to pay, in  
25 addition to the renewal fee, a late renewal fee in an amount

1 ~~not-to-exceed-\$10~~ prescribed by the board. Failure to renew  
2 within 30 days following December 31 shall be cause for  
3 suspension or revocation of the license."

4 Section 63. Section 37-40-303, MCA, is amended to  
5 read:

6 "37-40-303. Licensing sanitarians from other states.  
7 The department shall issue a license without examination to  
8 a person who applies to the department, pays a fee of ~~--\$35~~  
9 prescribed by the board, and submits satisfactory proof to  
10 the board that:

11 (1) he is of good moral character; and  
12 (2) he is registered or licensed as a sanitarian in a  
13 state which has requirements comparable to those in this  
14 state."

15 Section 64. Section 37-40-304, MCA, is amended to  
16 read:

17 "37-40-304. Fees -- renewal. (1) An applicant for a  
18 license shall pay a fee set by the board in an amount  
19 commensurate with examination and administrative costs.

20 (2) A registered sanitarian may renew his license by  
21 paying an annual fee set by the board ~~not-to-exceed-\$10~~.

22 (3) Renewal fees are due July 1 of the renewal year.  
23 If the renewal fee is not paid, the license expires.  
24 Licenses which have lapsed for failure to pay renewal fees  
25 may be reissued under rules adopted by the board."

1 Section 65. Section 37-51-311, MCA, is amended to  
2 read:

3 "37-51-311. Fees -- deposit of fees. (1) The following  
4 fees prescribed by the board shall be charged by the  
5 department and paid into the earmarked revenue fund for the  
6 use of the board, subject to 37-1-101(6):

7 (a) ~~for each examination, a fee not to exceed \$25;~~

8 (b) ~~for each original resident broker's license~~  
9 ~~issued, a fee not to exceed \$50;~~

10 (c) ~~for each annual renewal of a resident broker's~~  
11 ~~license, a fee not to exceed \$38;~~

12 (d) ~~for each original nonresident broker's license~~  
13 ~~issued, a fee not to exceed \$50;~~

14 (e) ~~for each annual renewal of a nonresident broker's~~  
15 ~~license, a fee not to exceed \$30;~~

16 (f) ~~for each original salesman's license issued, a fee~~  
17 ~~not to exceed \$25;~~

18 (g) ~~for each annual renewal of a salesman's license, a~~  
19 ~~fee not to exceed \$15;~~

20 (h) ~~for each additional office or place of business,~~  
21 ~~an annual fee not to exceed \$25;~~

22 (i) ~~for each change of place of business or change of~~  
23 ~~employer or contractual associate, a fee not to exceed \$15;~~

24 (j) ~~for each duplicate license when the original~~  
25 ~~license is lost or destroyed and affidavit is made, a fee~~

1 ~~not-to-exceed-\$10+~~

2 ~~{k}--for--each--duplicate--pocket--card--when--the--original~~  
 3 ~~pocket--card--is--lost--or--destroyed--and--affidavit--is--made--a~~  
 4 ~~fee--not--to--exceed--\$10.~~

5 (2) The board shall charge a ~~a-~~\$5 an annual fee from a  
 6 licensee who wishes to be placed in an inactive status. A  
 7 licensee who is placed in an inactive status by the board  
 8 and who has paid the required fee need not file a bond with  
 9 the department as provided in 37-51-304.

10 (3) The board shall adopt a schedule of fees ~~within~~  
 11 ~~the-limits-set-by-this-section.~~ However, a fee once set for  
 12 one of the items for which a fee is charged cannot be  
 13 increased or decreased until at least 1 year has passed  
 14 since the fee for that particular item was last increased or  
 15 decreased."

16 Section 66. Section 37-67-303, MCA, is amended to  
 17 read:

18 "37-67-303. Application -- contents -- fees. (1)  
 19 Applications for registration shall be on forms prescribed  
 20 by the board and furnished by the department, shall contain  
 21 statements made under oath showing the applicant's education  
 22 and a detailed summary of his technical work, and shall  
 23 contain not less than five references, of whom three or more  
 24 shall be engineers or land surveyors having personal  
 25 knowledge of his engineering or land surveying experience.

1 (2) The fee for engineer-in-training is as prescribed  
 2 by the board ~~but--may--not--exceed--\$30,~~ which and shall  
 3 accompany the application and shall include the cost of one  
 4 examination. No additional fee is required for issuance of a  
 5 certificate.

6 (3) The application fee for registration as a  
 7 professional engineer is as prescribed by the board ~~but--may--not~~  
 8 ~~not--exceed--\$40~~ for those holding an engineer-in-training  
 9 certificate validated for Montana. For those holding a valid  
 10 engineer-in-training certificate from some other state, the  
 11 application fee is as prescribed by the board ~~but--may--not~~  
 12 ~~exceed--\$50,~~ which includes cost of transfer of  
 13 engineer-in-training certification and one examination. Upon  
 14 approval of application for registration as a professional  
 15 engineer, an additional fee equal to the existing renewal  
 16 fee must be paid before issuance of a certificate as a  
 17 professional engineer.

18 (4) The department, subject to approval by the board,  
 19 may, on application and payment of a fee as prescribed by  
 20 the board ~~but--not--to--exceed--\$60,~~ issue a certificate of  
 21 registration as a professional engineer to a person who  
 22 holds a certificate of qualification or registration issued  
 23 to him by the committee on national engineering  
 24 certification of the national council of engineering  
 25 examiners or by a state, territory, or possession of the

1 United States or by another country if the applicant's  
2 qualifications meet the requirements of this chapter and the  
3 rules of the board.

4 (5) The fee for land surveyor-in-training is as  
5 prescribed by the board ~~but may not exceed \$30~~, which shall  
6 accompany the application and shall include the cost of one  
7 examination. No additional fee is required for issuance of a  
8 certificate.

9 (6) The application fee for registration as a land  
10 surveyor is as prescribed by the board ~~but may not exceed~~  
11 ~~\$40~~ for those holding a land surveyor-in-training  
12 certificate validated in Montana. For those holding a valid  
13 land surveyor-in-training certificate from some other state,  
14 the application fee is as prescribed by the board ~~but may~~  
15 ~~not exceed \$50~~, which includes cost of transfer of the  
16 certification. No additional fee is required for issuance of  
17 a certificate. Upon approval of application for registration  
18 as a land surveyor, an additional fee equal to the existing  
19 renewal fee must be paid before issuance of a certificate as  
20 a land surveyor.

21 (7) The application fee for registration as both a  
22 professional engineer and land surveyor is as prescribed by  
23 the board ~~but may not exceed \$60~~ for those holding  
24 engineer-in-training and land surveyor-in-training  
25 certificates validated in Montana. For those holding valid

1 engineer-in-training and land surveyor-in-training  
2 certificates from another state, the application fee is as  
3 prescribed by the board ~~but may not exceed \$100~~. The fee  
4 shall accompany the application. Upon approval of  
5 application for registration as a professional engineer and  
6 land surveyor, an additional fee equal to the existing  
7 renewal fee must be paid before issuance of a certificate.

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

11 Section 67. Section 37-67-315, MCA, is amended to  
12 read:

13 "37-67-315. Annual renewal -- fee -- verification of  
14 competency. (1) Certificates of registration expire on  
15 December 31 of the appropriate year and become invalid on  
16 that date unless renewed. The department shall notify every  
17 person registered under this chapter of the date of the  
18 expiration of his certificate and the amount of the fee  
19 required for its renewal for 2 years. This notice shall be  
20 mailed at least 1 month in advance of the date of the  
21 expiration of the certificate. Renewal may be made during  
22 the month of December of the appropriate year by the payment  
23 of a fee ~~not to exceed \$60 biennially~~ as set by the board  
24 for either a professional engineer or land surveyor, or  
25 both.

1 (2) No certificate may be renewed unless the  
2 registrant submits a verified statement to the effect and  
3 the board is satisfied that he has maintained competency by:

4 (a) the continued practice of engineering or land  
5 surveying; or

6 (b) engaging in other activities that provide for the  
7 maintenance of competency as prescribed by board rule.

8 (3) Failure on the part of a registrant to renew his  
9 certificate biennially in the month of December of the  
10 appropriate year does not deprive him of the right of  
11 renewal; however, a registrant who fails to pay the renewal  
12 fee for an additional renewal period shall be considered a  
13 new applicant and is required to submit a new application."

14 Section 68. Section 37-68-310, MCA, is amended to  
15 read:

16 "37-68-310. Annual renewal. Licenses of residential  
17 electricians, journeyman electricians, or master  
18 electricians, unless they have been suspended or revoked by  
19 the board, shall be renewed for a period of 1 year by the  
20 department on application for renewal made to the department  
21 prior to July 15 of the year in which the prior license  
22 expired and on the payment of an annual renewal fee. If  
23 application for renewal is not made prior to July 15, an  
24 additional fee ~~of \$5~~ prescribed by the board shall be paid  
25 on account of the delinquency in renewal. All applications

1 for renewal must be made prior to August 15 of that year,  
2 otherwise the license is forfeited and the applicant is  
3 required to pass the examination and pay the fees required  
4 of applicants for original licenses."

5 Section 69. Codification instruction. Section 1 is  
6 intended to be codified as an integral part of Title 37,  
7 chapter 1.

-End-



## 1 STATEMENT OF INTENT

## 2 SENATE BILL 412

3 Senate Taxation Committee  
4

5 A statement of intent is required for Senate Bill 412  
6 because it grants licensing boards within the Department of  
7 Professional and Occupational Licensing the authority to set  
8 fees.

9 Presently fees charged by most licensing boards are set  
10 by law. Whenever changed circumstances require a change in  
11 fees legislation is required. Each session several bills  
12 are introduced to modify board fees. By allowing boards to  
13 set their own fees, flexibility is provided the boards to  
14 meet changing circumstances. At the present time, fees set  
15 by law are not based upon actual costs incurred by licensing  
16 boards in carrying out their various functions.

17 It is the intent of the Legislature that fees set by  
18 licensing boards be reasonably related to the costs of the  
19 respective programs. "Programs" of the licensing boards are  
20 intended to be such areas of responsibility as applications,  
21 examinations, renewals, and reciprocity. "Reasonably  
22 related" is intended to mean that the department generally  
23 breaks down the costs associated with the various programs  
24 and sets each fee at a level to cover these costs and the  
25 costs of maintaining the ongoing operations of the board.

1 "Reasonably related" does not mean the department is  
2 required to maintain an exact system of actual costs, but  
3 rather means the department should generally allocate costs  
4 of the program equitably among the various fee categories.

5 First adopted by the Senate Taxation Committee on the  
6 21st day of February 1981.

## 1 SENATE BILL NO. 412

2 INTRODUCED BY S. BROWN, HIMSL

3 BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE

4  
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO AUTHORIZE AND  
 6 REQUIRE LICENSING BOARDS WITHIN THE DEPARTMENT OF  
 7 PROFESSIONAL AND OCCUPATIONAL LICENSING TO ESTABLISH FEE  
 8 SCHEDULES THAT SET FEES REASONABLY COMMENSURATE WITH THE  
 9 COSTS INCURRED IN ADMINISTERING THE VARIOUS PROGRAM AREAS  
 10 WITHIN THEIR JURISDICTION; AND AMENDING SECTIONS 37-3-308,  
 11 37-3-313, 37-4-303, 37-4-306, 37-4-307, 37-4-403, 37-4-404,  
 12 37-4-406, 37-5-302, 37-5-307, 37-6-302 THROUGH 37-6-304,  
 13 37-7-302, 37-7-303, 37-7-321, 37-8-406, 37-8-407, 37-8-418,  
 14 37-8-431, 37-9-304, 37-10-302, 37-10-307, 37-11-307 THROUGH  
 15 37-11-309, 37-12-302, 37-12-305, 37-12-307, 37-12-323,  
 16 37-13-302 THROUGH 37-13-306, 37-14-303, 37-14-305,  
 17 37-15-307, 37-16-402, 37-16-405, 37-16-407, 37-17-307,  
 18 37-18-307, 37-18-403, 37-18-405, 37-19-301, 37-19-303,  
 19 37-19-304, 37-19-306, 37-19-403, 37-30-307, 37-30-404,  
 20 37-30-423, 37-30-424, 37-31-312, 37-31-322, 37-31-323,  
 21 37-32-305, 37-33-302, 37-33-305, 37-33-306, 37-40-303,  
 22 37-40-304, 37-51-311, 37-67-303, 37-67-315, AND 37-68-310,  
 23 MCA."

24  
25 WHEREAS, most fees set by professional and occupational1 licensing boards are specified or limited in amount by law;  
2 and3 WHEREAS, such limitations are not necessarily serving  
4 the purpose intended in that the fees are not related to  
5 costs incurred and board revenues are insufficient in some  
6 cases and excessive in others.7 THEREFORE, it is the intent of this act to authorize  
8 and require such licensing boards to set fees reasonable  
9 related to the costs of administering the various programs  
10 under their jurisdiction.11  
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 NEW SECTION. Section 1. Licensing boards to establish  
 14 fees commensurate with costs. All licensing boards allocated  
 15 to the department shall set fees reasonably related to the  
 16 respective program AREA costs. Unless otherwise provided by  
 17 law, each board within the department may establish fees  
 18 including but not limited to fees for PROGRAM AREAS SUCH AS  
 19 application, examination, renewal, reciprocity, late  
 20 renewal, and continuing education. BOARD COSTS NOT RELATED  
 21 TO A SPECIFIC PROGRAM AREA MAY BE EQUITABLY DISTRIBUTED TO  
 22 PROGRAM AREAS AS DETERMINED BY THE BOARD. Each board shall  
 23 maintain records sufficient to support the fees charged for  
 24 each program area.

25 Section 2. Section 37-3-308, MCA, is amended to read:

1       "37-3-308. Examination and application fees -- further  
2 tax forbidden. (1) An applicant for a license to practice  
3 medicine to be issued on the basis of an examination by the  
4 board shall pay an examination fee as set by the board. The  
5 board shall set the fee, and it shall be reasonable and  
6 commensurate with the costs of the examination and related  
7 costs. Such examination fee shall be in addition to the  
8 application fee.

9       (2) All applicants ~~except applicants for temporary~~  
10 ~~licenses shall pay an initial application fee of \$100.~~

11       ~~(3) An applicant for a temporary license shall pay an~~  
12 ~~initial fee of \$25 and \$25 for each renewal thereof,~~  
13 including applicants for a temporary license, shall pay an  
14 initial application fee as prescribed by the board.

15       ~~(4) (3)~~ No license tax shall be imposed upon physicians  
16 by a municipality or any other subdivision of the state."

17       Section 3. Section 37-3-313, MCA, is amended to read:

18       "37-3-313. Annual registration fees -- failure to pay  
19 -- limiting authority to impose registration fees. (1) In  
20 addition to the license fees required of applicants, a  
21 licensed physician actively practicing medicine in this  
22 state shall pay each year to the department an annual  
23 registration fee, ~~not to exceed the sum of \$100,~~ as  
24 prescribed by the board. If a person licensed to practice  
25 medicine absents himself from the state for a period of 1 or

1 more years or does not engage in active practice in this  
2 state, he may continue his license in good standing by  
3 payment each year of a fee prescribed by the board ~~in an~~  
4 ~~amount not to exceed \$50~~ or, at the discretion of the board,  
5 he may be reinstated on the payment of a fee ~~not to exceed~~  
6 \$50 prescribed by the board for each year of absence or  
7 inactive practice.

8       (2) The annual payments for registration shall be made  
9 prior to April 1, and a receipt acknowledging payment of the  
10 annual registration fee shall be issued by the department.  
11 The department shall mail registration notices at least 60  
12 days before the registration is due.

13       (3) In case of default in the payment of the annual  
14 registration fee by a person licensed to practice medicine  
15 who is actively practicing medicine in this state, his  
16 underlying certificate to practice medicine may be revoked  
17 by the board on 30 days' notice given to the delinquent of  
18 the time and place of considering the revocation. A  
19 registered or certified letter addressed to the last-known  
20 address of the person failing to comply with the  
21 requirements of annual registration, as the address appears  
22 on the records of the department, constitutes sufficient  
23 notice of intention to revoke his underlying certificate. No  
24 certificate may be revoked for nonpayment if the person  
25 authorized to practice medicine, and notified, pays the

1 annual registration fee before or at the time fixed for  
 2 consideration of revocation, together with a delinquency  
 3 penalty of ~~10~~ prescribed by the board. The department may  
 4 collect the dues by an action at law.

5 (4) No registration or license fee may be imposed on a  
 6 licensee under this chapter by a municipality or any other  
 7 subdivision of the state."

8 Section 4. Section 37-4-303, MCA, is amended to read:

9 "37-4-303. Certificate to be registered in county  
 10 where practicing -- replacing lost certificate. (1) The  
 11 certificate under this chapter entitles the holder to  
 12 practice dentistry in any county in this state if the  
 13 certificate is first filed for registration and registered  
 14 in the office of the county clerk and recorder of the county  
 15 in which the holder desires to practice. This chapter does  
 16 not permit a holder of a certificate to practice in a county  
 17 in this state unless the certificate has been first  
 18 registered in the office of the clerk and recorder of the  
 19 county. A holder of a certificate may practice in more than  
 20 one or in any number of counties in this state on having the  
 21 certificate registered in each of the counties in which the  
 22 holder desires to practice.

23 (2) The department shall, on proof satisfactory to the  
 24 board of the loss of a certificate issued under this  
 25 chapter, issue a duplicate certificate, and a fee of ~~10~~ as

1 prescribed by the board shall be charged for issuing the  
 2 certificate."

3 Section 5. Section 37-4-306, MCA, is amended to read:

4 "37-4-306. Admission of dentists from other states --  
 5 reciprocity. (1) A dentist who has been lawfully licensed to  
 6 practice in another state or territory which has and  
 7 maintains a standard for the practice of dentistry or dental  
 8 surgery which in the opinion of the board is equal to that  
 9 at the time maintained in this state, is a graduate of an  
 10 accredited 4-year high school or has actual scholastic  
 11 credits equivalent to a 4-year high school course, is a  
 12 graduate of a recognized dental school or college, has been  
 13 lawfully and continuously engaged in the practice of  
 14 dentistry for 5 years or more immediately before filing his  
 15 application to practice in this state, and deposits in  
 16 person with the department an attested certificate from the  
 17 examining board of the state or territory in which he is  
 18 registered or licensed, certifying to the fact of his  
 19 registration and license and of his being a person of good  
 20 moral character and of professional attainments, may, on the  
 21 payment of a fee of ~~50~~ as prescribed by the board, and  
 22 after satisfactory practical examination demonstrating his  
 23 proficiency, be granted a license to practice dentistry in  
 24 this state without being required to take an examination in  
 25 theory.

1 (2) However, no license may be issued to an applicant  
 2 without an examination in theory unless the state or  
 3 territory from which the certificate has been granted to the  
 4 applicant extends a like privilege to engage in the practice  
 5 of dentistry to dentists licensed by this state who move to  
 6 the other state. The board may enter into reciprocal  
 7 relations with similar boards of other states whose laws are  
 8 practically identical with this chapter."

9 Section 6. Section 37-4-307, MCA, is amended to read:

10 "37-4-307. Annual renewal fee -- absent registered  
 11 dentist -- default. (1) A licensed dentist practicing within  
 12 this state shall annually pay to the department before March  
 13 1, as a renewal fee for the year, a sum set by the board and  
 14 ~~not--to--exceed--\$50.--The--board--may--increase--or--decrease--the~~  
 15 ~~annual--renewal--fee--to--maintain--in--the--earmarked--revenue--fund~~  
 16 ~~at--all--times--on--amounts--to--be--known--as--the--emergency--fund,~~  
 17 ~~to--be--used--for--the--purpose--of--administering--policy--and~~  
 18 ~~enforcing--this--chapter.--The--emergency--fund--shall--be~~  
 19 ~~maintained--at--an--approximate--level--of--\$2,500.~~ Notice of the  
 20 change in the amount of renewal fees shall be given to each  
 21 dentist registered in this state by the department.

22 (2) If a registered dentist absents himself from the  
 23 state for a period of 1 or more years or does not engage in  
 24 active practice within this state, he may continue his  
 25 license in good standing by a payment set by the board each

1 year ~~or at the discretion of the board,~~  
 2 he may be reinstated on the payment of a fee of ~~--\$25~~  
 3 prescribed by the board for each year's absence. The annual  
 4 payments shall be made prior to March 1 of each year, and a  
 5 receipt or certificate shall be issued by the department.

6 (3) In case of default in payment of the annual  
 7 renewal fee by a dentist, his license shall be revoked by  
 8 the board on 30 days' notice given to the delinquent of the  
 9 time and place of considering the revocation. A registered  
 10 or certified letter addressed to the last-known address of  
 11 the party failing to comply with this requirement, as the  
 12 address appears on the records of the department,  
 13 constitutes sufficient notice of revocation of license, but  
 14 no license may be revoked for nonpayment if the dentist  
 15 notified pays the renewal fee plus a late payment penalty of  
 16 ~~\$10~~ prescribed by the board before or at the time fixed for  
 17 consideration of revocation. The department may maintain in  
 18 the name of this state a suit to collect renewal fees and  
 19 penalties applicable and to recover from the delinquent  
 20 dentist the cost of the action, including reasonable  
 21 attorneys' fees.

22 (4) No license fee or tax may be imposed on dentists  
 23 by a municipality or any other subdivision of the state."

24 Section 7. Section 37-4-403, MCA, is amended to read:

25 "37-4-403. Issuance of certificate -- fee. An

1 applicant who successfully passes the examination prescribed  
 2 by the board shall, on the payment of a fee of ~~of--\$15~~  
 3 prescribed by the board, be granted a license as a dental  
 4 hygienist and shall be registered in a record kept by the  
 5 department and shall receive a certificate, signed by the  
 6 members of the board, in a form prescribed by the board."

7 Section 8. Section 37-4-404, MCA, is amended to read:

8 "37-4-404. Admission of dental hygienists from other  
 9 states -- reciprocity. (1) On the payment of a fee of ~~of--\$20~~  
 10 prescribed by the board and after satisfactory practical  
 11 examination demonstrating his proficiency, a dental  
 12 hygienist may be granted a license to practice dental  
 13 hygiene in this state without being required to take an  
 14 examination in theory if he:

15 (a) has been lawfully licensed to practice in another  
 16 state or territory which has and maintains a standard for  
 17 the practice of dental hygiene which, in the opinion of the  
 18 board, is equal to that at the time maintained in this  
 19 state;

20 (b) has been lawfully and continuously engaged in the  
 21 practice of dental hygiene for a period of 1 year or more  
 22 immediately before filing his application to practice in  
 23 this state; and

24 (c) deposits in person with the department an attested  
 25 certificate from the examining board of the state or

1 territory in which he is registered or licensed, certifying  
 2 to the fact of his registration and license and of his being  
 3 a person of good moral character and of professional  
 4 attainments.

5 (2) Except as provided in subsection (3) of this  
 6 section, no license may be issued without an examination in  
 7 theory to the applicant unless the state or territory from  
 8 which the certificate has been granted extends a like  
 9 privilege to engage in the practice of dental hygiene to  
 10 dental hygienists licensed by this state who have moved to  
 11 the other state.

12 (3) A dental hygienist who has been lawfully licensed  
 13 to practice in another state or territory not having  
 14 reciprocity with this state but which has and maintains a  
 15 standard for the practice of dental hygiene which, in the  
 16 opinion of the board, is equal to that at the time  
 17 maintained in this state and who deposits in person with the  
 18 department an attested certificate from the examining board  
 19 of the state or territory in which he is registered or  
 20 licensed, certifying to the fact of his registration and  
 21 license and his being a person of good moral character and  
 22 of professional attainment, may, on the payment of a fee of  
 23 ~~of~~ \$20 as prescribed by the board, be granted a temporary  
 24 license authorizing the person to practice dental hygiene  
 25 from the time of the granting of the license until the time

1 of the next regular examination for dental hygiene set by  
2 the board. No additional fee for the examination may be  
3 charged.

4 (4) The board may enter into reciprocity agreements  
5 with other states or territories, the standards of which as  
6 to the practice of dental hygiene are, in the opinion of the  
7 board, equal to those of this state."

8 Section 9. Section 37-4-406, MCA, is amended to read:

9 "37-4-406. Annual renewal fee -- revocation of  
10 license. (1) Before March 1 of each year, a licensed dental  
11 hygienist shall pay to the department a renewal fee set by  
12 the board ~~not to exceed \$25~~. In default of payment, the  
13 board may, after hearing and on 30 days' notice, revoke the  
14 license of the hygienist in default; but the payment of the  
15 renewal fee on or before the time of hearing, with an  
16 additional sum set by the board ~~not to exceed \$10~~, excuses  
17 the default. The department may collect the fee by suit.

18 (2) The board may likewise revoke or suspend the  
19 license of a dental hygienist for violating this chapter."

20 Section 10. Section 37-5-302, MCA, is amended to read:

21 "37-5-302. Examination -- examination fee. (1) A  
22 person commencing the practice of osteopathy in this state,  
23 in any of its branches, shall apply to the department for a  
24 license to do so, and the applicant, at the time and place  
25 designated by the board, shall submit to an examination in

1 the following subjects: anatomy, physiology, chemistry,  
2 pathology, bacteriology, gynecology, obstetrics, and theory  
3 and practice of osteopathy and other subjects taught in  
4 well-regulated and recognized schools of osteopathy and  
5 considered advisable by the board and shall present evidence  
6 of having actually attended, as required in 37-5-301, a  
7 legally authorized and regularly conducted school of  
8 osteopathy recognized by the board, except as otherwise  
9 provided in 37-5-201.

10 (2) Examination papers on subjects peculiar to  
11 osteopathy shall be graded by the department, subject to  
12 37-1-101. The examination shall be scientific and practical,  
13 but of sufficient severity to test the candidate's fitness  
14 to practice osteopathy.

15 (3) After examination the department shall issue a  
16 license to practice osteopathy in this state to applicants  
17 who pass the examination, which license shall be granted by  
18 not less than two members of the board, attested by the  
19 board's seal.

20 (4) The fee for the examination and license ~~is \$20~~  
21 shall be prescribed by the board.

22 Section 11. Section 37-5-307, MCA, is amended to read:

23 "37-5-307. Renewal fee. (1) A person holding a  
24 certificate to practice under this chapter and who is in  
25 active practice in this state shall before April 1 of each

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

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

17 Section 12. Section 37-6-302, MCA, is amended to read:

18 "37-6-302. Qualifications for licensure -- exemptions  
 19 from examination. (1) Examinations shall be held at places  
 20 and times the board directs. Persons who wish to begin the  
 21 practice of podiatry in this state shall make application,  
 22 on a form authorized by the state board of podiatry  
 23 examiners and furnished by the department, for a license to  
 24 practice podiatry. The license may be granted to applicants  
 25 after they have furnished satisfactory proof of good moral

1 character, of having attained high school graduation or its  
 2 equivalent, of having at least 4 years or equivalent time in  
 3 quarter or semester hours of instruction in an accredited  
 4 college of podiatry recognized as being in good standing by  
 5 the board and have successfully passed the examination.

6 (2) A license without written examination may be  
 7 granted to podiatrists of other states maintaining equal  
 8 statutory requirements for the practice of podiatry and  
 9 extending the same reciprocal privilege to this state if  
 10 they have had a valid license and practiced for at least 2  
 11 preceding years in that state prior to filing for reciprocal  
 12 privilege and by payment of \$50 a fee prescribed by the  
 13 board to the department.

14 (3) A license may be granted, at the discretion of the  
 15 board and upon payment of \$50 a fee prescribed by the board  
 16 to the department, if the applicant has successfully  
 17 completed the national podiatry board examination and after  
 18 a personal interview by the board."

19 Section 13. Section 37-6-303, MCA, is amended to read:

20 "37-6-303. Examination -- subjects -- fees --  
 21 reexamination. (1) A person not exempt from examination  
 22 under 37-6-302 and desiring a license to practice podiatry  
 23 shall be examined in the following subjects: anatomy,  
 24 chemistry, dermatology, diagnosis, materia medica,  
 25 pathology, physiology, therapeutics, clinical and orthopedic



1 podiatry, histology, bacteriology, pharmacy, neurology,  
 2 surgery (minor), podiatry, foot orthopedics, shoe therapy,  
 3 physiotherapy, roentgenology, hygiene and sanitation,  
 4 ethics, and culture, limited in their scope to the treatment  
 5 of the human foot, and, if qualified, shall receive a  
 6 license. The minimum requirements for a license are a  
 7 general average of 75% in all the subjects involved and not  
 8 less than 50% in any one subject.

9 (2) An examination and license fee of ~~\$35~~ prescribed  
 10 by the board shall be paid to the department.

11 (3) An applicant failing the examination and being  
 12 refused a license is entitled within 6 months of the refusal  
 13 to a reexamination, but one reexamination exhausts his  
 14 privilege under the original examination."

15 Section 14. Section 37-6-304, MCA, is amended to read:

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

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

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

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

18 Section 15. Section 37-7-302, MCA, is amended to read:

19 "37-7-302. Examination -- qualifications -- fees --  
 20 reciprocity. (1) The department shall give reasonable notice  
 21 of examinations by mail to known applicants. The department  
 22 shall record the names of persons examined, together with  
 23 the grounds on which the right of each to examination was  
 24 claimed, and also the names of persons registered by  
 25 examination or otherwise.

1 (2) The fee for an examination shall be set by the  
2 board at a figure commensurate with costs, which fee may in  
3 the discretion of the board be returned to applicants not  
4 taking the examination. On again making payment of the fee,  
5 an applicant who fails is entitled to take the next  
6 succeeding examination free of charge.

7 (3) The fee for registration by reciprocity ~~is--\$200~~  
8 shall be prescribed by the board.

9 (4) To be entitled to examination as a pharmacist, the  
10 applicant shall be a citizen of the United States, of good  
11 moral character, and a graduate of the school of pharmacy of  
12 the university of Montana or of a college or school of  
13 pharmacy recognized and approved by or a member of the  
14 American association of colleges of pharmacy; but the  
15 applicant may not receive a registered pharmacist's license  
16 until he has complied with the internship requirements  
17 established by the board. During this period, if the  
18 applicant has passed the examination, he shall be licensed  
19 as an intern only.

20 (5) The board may in its discretion authorize the  
21 department to grant registration without examination to a  
22 pharmacist licensed by a board of pharmacy or a similar  
23 board of another state which accords similar recognition to  
24 licensees of this state if the requirements for registration  
25 in the other state are, in the opinion of the board,

1 equivalent to the requirements of this chapter.

2 (6) Every person licensed and registered under this  
3 chapter shall receive from the department an appropriate  
4 certificate attesting the fact, which shall be conspicuously  
5 displayed at all times in his place of business. If the  
6 holder is entitled to manage or conduct a pharmacy in this  
7 state for himself or another, the fact shall be set forth in  
8 the certificate."

9 Section 16. Section 37-7-303, MCA, is amended to read:

10 "37-7-303. Annual renewal fee. (1) A person licensed  
11 and registered by the department shall annually pay to the  
12 department before June 30 a renewal of registration fee of  
13 \$15 prescribed by the board. A default in the payment of a  
14 renewal fee for a period of 30 days after the date it is due  
15 increases the renewal fee to ~~\$30~~ as prescribed by the board.  
16 It is unlawful for a person who refuses or fails to pay the  
17 renewal fee to practice pharmacy in this state. A  
18 certificate and renewal expires at the time prescribed, not  
19 later than 1 year from its date. A defaulter in a renewal  
20 fee may be reinstated within 1 year of the default without  
21 examination on payment of the arrears and compliance with  
22 the continuing education provisions of this chapter.

23 (2) The board may charge an additional fee ~~of--up--to~~  
24 \$10 for such license renewal to be used in administering the  
25 continuing education provisions of this chapter."

1 Section 17. Section 37-7-321, MCA, is amended to read:

2 "37-7-321. Store license -- certified pharmacy license  
3 -- suspension or revocation. (1) The department shall, on  
4 application on forms prescribed by the board and on the  
5 payment of an annual fee ~~of \$10~~ prescribed by the board,  
6 license stores other than pharmacies in which are sold  
7 ordinary household or medicinal drugs prepared in sealed  
8 packages or bottles by a manufacturer qualified under the  
9 laws of the state in which the manufacturer resides. The  
10 name and address of the manufacturer shall appear  
11 conspicuously on each package sold by the licensee. It is  
12 unlawful for a store to sell, deliver, or give away  
13 household medicinal drugs without first having secured a  
14 license and thereafter keeping it in force by proper  
15 renewal. This subsection does not prevent a vendor from  
16 selling a patent or proprietary medicine in the original  
17 package when plainly labeled or nonmedical articles usually  
18 sold by vendors.

19 (2) The board shall provide for the original  
20 certification and annual renewal by the department of every  
21 pharmacy doing business in this state. On presentation of  
22 evidence satisfactory to the board and on application on a  
23 form prescribed by the board and on the payment of an  
24 original certification fee ~~of \$100~~ prescribed by the board,  
25 the department shall issue a license to a pharmacy as a

1 certified pharmacy. However, the license may be granted only  
2 to pharmacies operated by registered pharmacists or  
3 registered interns qualified under this chapter. The annual  
4 renewal fee for a pharmacy shall be set by the board ~~in an~~  
5 ~~amount not to exceed \$50~~. Any default in the payment of  
6 such renewal fee for a period of 30 days after the date the  
7 same is due shall increase the renewal fee ~~to the sum of~~  
8 ~~\$100~~ as prescribed by the board. The license must be  
9 displayed in a conspicuous place in the pharmacy for which  
10 it is issued and expires on June 30 following the date of  
11 issue. It is unlawful for a person to conduct a pharmacy,  
12 use the word "pharmacy" to identify his business, or use the  
13 word "pharmacy" in advertising unless a license has been  
14 issued and is in effect.

15 (3) The board may suspend, revoke, or refuse to renew  
16 a store or pharmacy license:

17 (a) obtained by false representation or fraud;

18 (b) when the pharmacy for which the license is issued  
19 is kept open for the transaction of business without a  
20 pharmacist in charge;

21 (c) when the person to whom the license is granted has  
22 been convicted of:

23 (i) a violation of parts 1 through 3 of this chapter;

24 (ii) a felony; or

25 (iii) a violation of the Federal Food, Drug, and

1 Cosmetic Act of June 25, 1938, (52 Stats. 1040 through  
2 1059);

3 (d) when the person to whom the license is granted is  
4 a natural person whose pharmacist or intern license has been  
5 revoked; or

6 (e) when the store or pharmacy is conducted in  
7 violation of parts 1 through 3 of this chapter.

8 (4) Before a license can be revoked, the holder is  
9 entitled to a hearing by the board."

10 Section 18. Section 37-8-406, MCA, is amended to read:

11 \*37-8-406. Professional nursing -- examination -- fee.  
12 An applicant for a license to practice professional nursing  
13 is required to pass a written examination in subjects the  
14 board, acting under the professional nursing administration,  
15 determines. A written examination may be supplemented by an  
16 oral or practical examination. On successfully passing the  
17 examination, the department shall issue to the applicant a  
18 license to practice nursing as a registered professional  
19 nurse. The applicant shall pay a fee of ~~\$35~~ prescribed by  
20 the board at the time the application is submitted, which  
21 shall be returned to the applicant if the application is  
22 withdrawn not later than 5 days prior to the date of  
23 examination or if the examination is not taken, subject to  
24 deduction by the department of ~~\$1~~ an amount prescribed by  
25 the board per subject of the examination which shall be

1 retained by the department."

2 Section 19. Section 37-8-407, MCA, is amended to read:

3 \*37-8-407. Reciprocity -- professional nursing. (1)  
4 The board--professional nursing administration may issue  
5 without examination a license to practice nursing as a  
6 registered professional nurse to an applicant who has been  
7 licensed or registered as a professional nurse under the  
8 laws of another state or territory if in the opinion of the  
9 board the applicant meets the qualifications required of  
10 registered nurses in this state at the time the applicant  
11 graduated from a school of nursing. The applicant shall pay  
12 a fee of ~~--\$35~~ prescribed by the board at the time the  
13 application is submitted, which shall be returned to the  
14 applicant if the application is withdrawn not later than 5  
15 days prior to final submission of the application to the  
16 board, subject to deduction of \$5 an amount prescribed by  
17 the board to be retained by the department.

18 (2) An applicant may, pending licensure as a  
19 professional nurse under subsection (1) of this section,  
20 practice professional nursing as an employee of a health  
21 care agency for a period not longer than 3 months from the  
22 date the department acknowledges receiving from the nurse a  
23 completed statement, on a form provided by the department,  
24 of intention to practice. The statement shall consist of an  
25 affidavit by the nurse and an affidavit by the employer

1 where the nurse intends to practice professional nursing.  
 2 The affidavit of the nurse and the affidavit of the employer  
 3 shall contain the information deemed by the board necessary  
 4 for the statement.

5 (3) Subsection (2) does not permit the nurse to  
 6 practice for more than a 3-month period or in any event  
 7 after being notified by the board through the department  
 8 that the application for a license has been denied or in all  
 9 cases after being notified by the board through the  
 10 department to cease and desist this practice. Notice shall  
 11 be given by registered or certified mail to the address of  
 12 the applicant as it appears in the statement of the  
 13 applicant."

14 Section 20. Section 37-8-418, MCA, is amended to read:

15 "37-8-418. Licensed practical nursing -- application  
 16 fee. An applicant for a license to practice as a licensed  
 17 practical nurse shall pay a fee of ~~\$35~~ prescribed by the  
 18 board to the department at the time the application is  
 19 submitted, which fee shall be returned to the applicant if  
 20 the application is withdrawn not later than 5 days prior to  
 21 the date of examination or the final submission to the board  
 22 of application for endorsement without examination, subject  
 23 to a deduction of \$5 an amount prescribed by the board to be  
 24 retained by the department."

25 Section 21. Section 37-8-431, MCA, is amended to read:

1 "37-8-431. Renewal of license. (1) The license of a  
 2 person licensed under this chapter must be annually renewed.  
 3 Before December 1 of each year, the department shall mail an  
 4 application form for renewal of license to every person to  
 5 whom a license was issued or renewed during the year. The  
 6 applicant shall carefully complete and subscribe the  
 7 application form and return it to the department with a  
 8 renewal fee of ~~\$10~~ prescribed by the board before January 1.

9 (2) The board may increase or decrease the annual  
 10 license fee so as to maintain in the earmarked revenue fund  
 11 at all times an adequate amount to be used for the purpose  
 12 of administering, policing, and enforcing the provisions of  
 13 this chapter. On receipt of the application and fee, the  
 14 department shall verify the accuracy of the application  
 15 against its record and from other sources the board  
 16 considers reliable and issue to the applicant a certificate  
 17 of renewal for the current year beginning January 1 and  
 18 expiring December 31 following. The certificate of renewal  
 19 renders the holder a legal practitioner of nursing for the  
 20 period stated in the certificate of renewal.

21 (3) A licensee who allows his license to lapse by  
 22 failing to renew the license may be reinstated by the board  
 23 on satisfactory explanation for the failure to renew license  
 24 and on payment of the current renewal fee prescribed by the  
 25 board.

1 (4) A person practicing nursing during the time  
2 following the date his license has expired is an illegal  
3 practitioner and is subject to the penalties provided for  
4 violations of this chapter."

5 Section 22. Section 37-9-304, MCA, is amended to read:

6 "37-9-304. Fees. (1) Each person who applies for  
7 licensure, whether by waiver, examination, or reciprocity,  
8 shall be required to pay a fee of ~~\$25~~ prescribed by the  
9 board at the time of application.

10 (2) Each person licensed as a nursing home  
11 administrator shall be required to pay a license fee in an  
12 amount to be fixed by the board ~~not to exceed \$100~~. A  
13 license shall expire on December 31 in the year for which it  
14 is issued and shall be renewable annually upon timely  
15 payment of the license fee.

16 (3) Each person registered as an inactive nursing home  
17 administrator shall be required to pay a registration fee in  
18 the amount of ~~not more than \$25~~ fixed by the board. An  
19 inactive registration shall expire on December 31 in the  
20 year for which it is issued and shall be renewable annually  
21 upon timely payment of the inactive registration fee.

22 (4) The fee for issuing a duplicate license shall be  
23 ~~\$10~~ fixed by the board."

24 Section 23. Section 37-10-302, MCA, is amended to  
25 read:

1 "37-10-302. Examination -- qualifications --  
2 application -- issuance of certificate. (1) The board shall  
3 adopt rules relative to and governing the qualifications of  
4 applicants for certificates of registration as optometrists.  
5 If the applicant does not meet the requirements of the  
6 rules, he is not eligible to take an examination to practice  
7 optometry in this state. If the applicant meets the  
8 requirements of the rules, he must pass an examination given  
9 by the department, subject to 37-1-101. Examinations shall  
10 be practical in character and designed to ascertain the  
11 applicant's fitness to practice the profession of optometry  
12 and shall be conducted in the English language. The  
13 department shall publish and distribute the examination  
14 requirements for a certificate to practice optometry in this  
15 state. The board may accept the grades an applicant has  
16 received in the written examinations given by the national  
17 board of examiners in optometry.

18 (2) No person is eligible to take the examination  
19 unless he is 18 years of age, a citizen of the United  
20 States, and of good moral character.

21 (3) No person is eligible to take the examination  
22 unless he has certificates of graduation from an accredited  
23 high school and from a school of optometry in which the  
24 practice and science of optometry is taught in a course of  
25 study covering 8 semesters or 4 years of actual attendance

1 and which is accredited by the international association of  
 2 boards of examiners in optometry. Instead of the  
 3 certificates of graduation, an applicant for examination  
 4 may, with like effect, furnish an affidavit that he has  
 5 practiced optometry exclusively for a period of at least 6  
 6 years in some other state or states.

7 (4) A person desiring to be examined in optometry  
 8 shall file an application, in the manner prescribed by the  
 9 board, at least 4 weeks before the examination is held, and  
 10 a fee of ~~\$25~~ prescribed by the board shall accompany the  
 11 application.

12 (5) A person successfully passing the examination  
 13 shall be registered in a register which shall be kept by the  
 14 department, and on the payment of a fee of ~~\$10~~ prescribed by  
 15 the board shall receive a certificate of registration signed  
 16 by the members of the board."

17 Section 24. Section 37-10-307, MCA, is amended to  
 18 read:

19 "37-10-307. Annual renewal -- fee. A registered  
 20 optometrist who desires to continue the practice of  
 21 optometry in this state shall annually before July 2 of each  
 22 year pay to the department a renewal fee ~~not to exceed the~~  
 23 ~~sum of \$50,~~ prescribed by the board in return for which a  
 24 renewal of registration shall be issued. If a person fails  
 25 or neglects to procure his annual renewal of registration,

1 his certificate of registration shall be revoked by the  
 2 board; however, no certificate of registration may be  
 3 revoked without 90 days' notice having been given to the  
 4 delinquent, who within this period may renew his certificate  
 5 of registration on the payment of the renewal fee with a  
 6 penalty of ~~\$35~~ prescribed by the board."

7 Section 25. Section 37-11-307, MCA, is amended to  
 8 read:

9 "37-11-307. Applicants licensed in other states. The  
 10 board may, in its discretion, authorize the department to  
 11 license as a physical therapist, without examination, on the  
 12 payment of the required fee, ~~not to exceed \$100,~~ as  
 13 established by the board, an applicant for license who is a  
 14 physical therapist licensed under the laws of another state  
 15 or territory if the requirements for a license for physical  
 16 therapists in the state or territory in which the applicant  
 17 was licensed were at the date of his license substantially  
 18 equal to the requirements in force in this state. However,  
 19 the board may require a written, oral, or practical  
 20 examination."

21 Section 26. Section 37-11-308, MCA, is amended to  
 22 read:

23 "37-11-308. Annual renewal of license -- fee. A  
 24 licensed physical therapist shall, during January, apply to  
 25 the department for a renewal of his license and pay a fee

1 not-to-exceed-\$50 which shall be set by board rule. A  
 2 license that is not renewed before April every year  
 3 automatically lapses. The board may, in its discretion,  
 4 revive and renew a lapsed license on the payment of all past  
 5 unpaid renewal fees or a late renewal fee."

6 Section 27. Section 37-11-309, MCA, is amended to  
 7 read:

8 "37-11-309. Temporary license. (1) On payment to the  
 9 department of a fee not-to-exceed-~~400~~ which shall be set by  
 10 board rule and the submission of a written application on  
 11 forms provided by it, the department shall issue, without  
 12 examination, a temporary license to practice physical  
 13 therapy in this state for a period not to exceed 1 year to a  
 14 person who meets the qualifications set forth in 37-11-303,  
 15 on submission by the person of evidence satisfactory to the  
 16 board that he is in this state on a temporary basis to  
 17 assist in a case of medical emergency or to engage in a  
 18 special physical therapy project.

19 (2) On the submission of a written application on  
 20 forms provided by it, the department shall issue a temporary  
 21 license to a person who has applied for a license under this  
 22 chapter and who is, in the judgment of the board, eligible  
 23 to take the examination provided for in 37-11-303. This  
 24 temporary license is available to an applicant only with  
 25 respect to his first application for a license under

1 37-11-307, or to a foreign-trained physical therapist, and  
 2 the license expires when the board makes a final  
 3 determination with respect to the application."

4 Section 28. Section 37-12-302, MCA, is amended to  
 5 read:

6 "37-12-302. Applications -- qualifications -- fees.

7 (1) A person wishing to practice chiropractic in this state  
 8 shall make application to the department, on the form and in  
 9 the manner prescribed by the board, at least 21 days prior  
 10 to a meeting of the board. Each applicant shall be a  
 11 graduate of a college of chiropractic approved by the board,  
 12 in which he has attended a course of study of 4 school years  
 13 of not less than 9 months each, and shall present evidence  
 14 showing completion of 2 full academic years of college or  
 15 university work from an institution acceptable to the board  
 16 of regents of higher education. Application shall be made  
 17 in writing and shall be sworn to by an officer authorized to  
 18 administer oaths and shall recite the history of applicant's  
 19 educational qualifications, how long he has studied  
 20 chiropractic, of what school or college he is a graduate,  
 21 and the length of time he has been engaged in practice. The  
 22 application shall be accompanied with proofs by diplomas,  
 23 certificates, etc., and satisfactory evidence of good  
 24 character and reputation.

25 (2) There shall be paid to the department by an



1 applicant for a license a fee of--\$50 prescribed by the  
 2 board. Like fees shall be paid for a subsequent examination  
 3 and application."

4 Section 29. Section 37-12-305, MCA, is amended to  
 5 read:

6 "37-12-305. Licensing chiropractors from other states  
 7 without examination. Persons licensed to practice  
 8 chiropractic under the laws of any other state having  
 9 chiropractic educational requirements equal to this chapter  
 10 may, in the discretion of the board, be issued a license to  
 11 practice in this state without examination upon payment of  
 12 the fee of-\$50 prescribed by the board as herein provided."

13 Section 30. Section 37-12-307, MCA, is amended to  
 14 read:

15 "37-12-307. Annual renewal of license -- fee --  
 16 continuing education required. A license expires on  
 17 September 1 of each year and shall be renewed by the  
 18 department on payment of a renewal fee of-not-more-than-\$50,  
 19 as set by the board, and the presentation of evidence  
 20 satisfactory to the board that the licensee, in the year  
 21 preceding the application for renewal, attended and  
 22 successfully completed a postgraduate educational program  
 23 for chiropractors consisting of monitored classroom time  
 24 conducted by instructors from accredited colleges of  
 25 chiropractic in subjects designated and approved by the

1 board. However, the board may authorize the department to  
 2 issue renewals, but not consecutive renewals, on a showing  
 3 satisfactory to the board that attendance at the educational  
 4 programs was unavoidably prevented; and new licensees during  
 5 the 6 months preceding September 1, by examination, shall be  
 6 granted renewal licenses without attending the educational  
 7 programs."

8 Section 31. Section 37-12-323, MCA, is amended to  
 9 read:

10 "37-12-323. Reconsideration of board action -- fee for  
 11 restoration of license. (1) At any time after refusal,  
 12 suspension, or revocation of license or placement on  
 13 probation or any other disciplinary action, the board may,  
 14 on its own motion or on application, reconsider its prior  
 15 action and reverse, rescind, or modify such action.

16 (2) A person whose license has been revoked and later  
 17 restored shall pay a fee of-\$50 prescribed by the board for  
 18 the restoration."

19 Section 32. Section 37-13-302, MCA, is amended to  
 20 read:

21 "37-13-302. Application for examination -- fee --  
 22 qualifications. (1) Each person desiring to practice  
 23 acupuncture in this state shall make application for  
 24 examination with the secretary of the board, upon the forms  
 25 and in the manner as prescribed by the board, at least 30

1 days before the date set by the board for the commencement  
 2 of the examination. An examination fee of ~~\$50~~ prescribed by  
 3 the board shall accompany the application.

4 (2) A person making application shall furnish the  
 5 board evidence that he is:

6 (a) at least 18 years of age;

7 (b) a citizen of the United States or has filed a  
 8 properly executed declaration of intention to become a  
 9 citizen of the United States;

10 (c) of good moral character, as determined by the  
 11 board; and

12 (d) a graduate of an approved school of acupuncture or  
 13 has completed a course in acupuncture approved by the  
 14 board."

15 Section 33. Section 37-13-303, MCA, is amended to  
 16 read:

17 "37-13-303. Examination -- scope -- retention and  
 18 inspection of examination papers -- reexamination. (1) Any  
 19 applicant meeting the requirements of this chapter shall be  
 20 admitted to an assembled examination to be conducted by the  
 21 board. An examination shall be held at least twice a year.  
 22 The examination shall be practical in character and  
 23 sufficiently thorough to test the fitness of the applicant  
 24 to practice acupuncture. The examination shall be in  
 25 writing, insofar as the board shall deem practicable, and

1 shall cover such subjects as prescribed in the curriculum  
 2 and taught in the schools which offer courses leading to the  
 3 degree of doctor of acupuncture, master of acupuncture,  
 4 master acupuncturist, or their equivalent. Demonstration of  
 5 the applicant's skill in the practice of acupuncture may  
 6 also be required.

7 (2) Examination papers of any applicant shall be  
 8 retained 2 years by the secretary of the board and may then  
 9 be destroyed. While retained the examination papers shall be  
 10 open to inspection only by board members, the applicant, or  
 11 by some person appointed by the applicant to examine them or  
 12 by a court of competent jurisdiction in a proceeding where  
 13 the question of the contents of the papers is properly  
 14 involved.

15 (3) Any applicant failing to pass his first  
 16 examination before the board may, at any subsequent meeting  
 17 of the board held for the purpose of examining candidates,  
 18 if otherwise qualified, take subsequent examinations upon  
 19 payment of the fee of ~~\$25~~ prescribed by the board for each  
 20 examination."

21 Section 34. Section 37-13-304, MCA, is amended to  
 22 read:

23 "37-13-304. Issuance of certificate of license --  
 24 license fee. All applicants successfully passing the  
 25 examination required by this chapter shall be registered as

1 licensed acupuncturists in the board register and, upon the  
 2 payment of a \$20 license fee prescribed by the board, shall  
 3 be issued a certificate of license in such form as  
 4 prescribed by the board. The certificate shall bear the  
 5 official seal of the board."

6 Section 35. Section 37-13-305, MCA, is amended to  
 7 read:

8 "37-13-305. Admission of licensees from other states.  
 9 A license without examination may be issued by the board to  
 10 any acupuncturist licensed or certified in another state  
 11 where the licensing or certification requirements are  
 12 substantially equivalent to the requirements of this  
 13 chapter, upon payment of the license fee of ~~\$20~~ prescribed  
 14 by the board as herein provided."

15 Section 36. Section 37-13-306, MCA, is amended to  
 16 read:

17 "37-13-306. Annual renewal -- fee -- military  
 18 exemption. (1) The license to practice acupuncture shall  
 19 expire on December 31 of each calendar year and shall be  
 20 renewed without examination upon request of the licensee.  
 21 The request for renewal shall be on forms prescribed by the  
 22 board and accompanied by a renewal fee of ~~\$20~~ prescribed by  
 23 the board. The request and fee shall be in the hands of the  
 24 secretary of the board not later than the expiration date of  
 25 the license.

1 (2) On or before December 1 of each calendar year, the  
 2 secretary of the board shall notify each licensee by letter,  
 3 addressed to his last place of residence as the same appears  
 4 on the records of the board, that his license will expire on  
 5 December 31 following the date of notice unless application  
 6 for renewal, accompanied by the annual renewal fee, is  
 7 received by the board on or prior to that date.

8 (3) Immediately following December 31 of each calendar  
 9 year, the secretary shall notify all licensees from whom  
 10 requests for renewal, accompanied by the renewal fee, have  
 11 not been received that their licenses have expired and that  
 12 they will be cancelled and revoked upon the records of the  
 13 board unless a request for renewal and reinstatement,  
 14 accompanied by the renewal fee and an additional fee of ~~\$5~~  
 15 prescribed by the board, shall be in the hands of the  
 16 secretary prior to February 1 following the expiration date.

17 (4) Immediately following February 1 of each calendar  
 18 year, the secretary of the board shall cancel and revoke  
 19 upon its records all licenses which have not been renewed or  
 20 reinstated as provided by this chapter and shall notify the  
 21 licensees whose licenses are so revoked of such action.

22 (5) Any licensee who allows his license to lapse by  
 23 failing to renew or reinstate the same as herein provided  
 24 may subsequently reinstate the same upon good cause shown to  
 25 the satisfaction of the board and upon payment of all annual

1 renewal fees then accrued plus an additional fee of ~~of--\$5~~  
 2 prescribed by the board for each year following the  
 3 cancelling of the license.

4 (6) Any person actively engaged in the military  
 5 service of the United States and licensed to practice  
 6 acupuncture as herein provided shall not be required to pay  
 7 the annual renewal fee or make application for renewal until  
 8 December 31 of the calendar year in which he returns from  
 9 military service to civilian or inactive status."

10 Section 37. Section 37-14-303, MCA, is amended to  
 11 read:

12 "37-14-303. Examination -- application fee. (1)  
 13 Examinations for licensure as a radiologic technologist  
 14 shall include a written portion and may also include  
 15 practical and oral portions as established by the board.

16 (2) The board shall provide applicants for licensure  
 17 the opportunity for examinations at intervals not to exceed  
 18 6 months.

19 (3) A nonrefundable examination fee, established by  
 20 the board ~~but not to exceed \$50~~, shall be submitted prior to  
 21 examination for licensure. An applicant failing the  
 22 examination shall be charged a nonrefundable application fee  
 23 for any subsequent examination. An applicant failing any  
 24 subsequent examination is not eligible for reexamination  
 25 until 12 months following the last failed examination."

1 Section 38. Section 37-14-305, MCA, is amended to  
 2 read:

3 "37-14-305. Issuance of license or permit -- fee. The  
 4 board shall issue a license or permit to each applicant who  
 5 has submitted a nonrefundable licensing fee set by the  
 6 board, ~~not to exceed \$50~~, and has met the requirements of  
 7 this chapter."

8 Section 39. Section 37-15-307, MCA, is amended to  
 9 read:

10 "37-15-307. Application and examination fee -- license  
 11 fee. The amount of fees prescribed in connection with a  
 12 license as a speech pathologist or audiologist shall be as  
 13 follows, ~~the exact fee to be determined by the board each~~  
 14 year based on costs and predicted expenditures:

15 ~~(1) -- application and examination fee for a license, no~~  
 16 ~~less than \$50 or more than \$100;~~

17 ~~(2) -- license fee and renewal thereof, no less than \$25~~  
 18 ~~or more than \$100."~~

19 Section 40. Section 37-16-402, MCA, is amended to  
 20 read:

21 "37-16-402. Application -- qualifications -- fee. An  
 22 applicant for a license shall pay a fee of ~~\$50~~ prescribed by  
 23 the board and shall show to the satisfaction of the board  
 24 that he:

25 (1) is a person of good moral character;

1 (2) has an education equivalent to a 4-year course in  
2 an accredited high school or has continuously engaged in the  
3 practice of fitting and dispensing hearing aids during the 3  
4 years preceding the date of application;

5 (3) is free of contagious or infectious disease."

6 Section 41. Section 37-16-405, MCA, is amended to  
7 read:

8 "37-16-405. Temporary license. (1) An applicant who  
9 fulfills the requirements of 37-16-402 and who has not  
10 previously applied to take the examination under 37-16-403  
11 may apply to the department for a temporary license.

12 (2) On receiving an application under subsection (1)  
13 of this section, accompanied by a fee of ~~\$25~~ prescribed by  
14 the board, the department shall issue a temporary license  
15 which entitles the applicant to practice the fitting and  
16 dispensing of hearing aids for a period ending 30 days after  
17 the conclusion of the next examination given after the date  
18 of issue.

19 (3) No temporary license may be issued by the  
20 department unless the applicant shows to the satisfaction of  
21 the board that he is or will be supervised and trained by a  
22 person who holds a valid license issued under this chapter.

23 (4) If a person who holds a temporary license does not  
24 take the next examination given after the date of issue, the  
25 temporary license may not be renewed except for a good cause

1 shown to the satisfaction of the board.

2 (5) If a person who holds a temporary license takes  
3 and fails to pass the next examination given after the date  
4 of issue, the board may authorize the department to renew  
5 the temporary license for a period ending 30 days after the  
6 results of the next examination given after the dates of  
7 renewal are announced. In no event may more than two  
8 renewals be permitted. The fee for renewal ~~is \$38~~ shall be  
9 prescribed by the board."

10 Section 42. Section 37-16-407, MCA, is amended to  
11 read:

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

23 Section 43. Section 37-17-307, MCA, is amended to  
24 read:

25 "37-17-307. Fees -- deposit of fees. (1) The

1 department shall collect the following fees, none of which  
2 is refundable:

- 3 (a) application fees ~~-\$25-to-\$50;~~  
4 (b) examination fee, an amount commensurate with the  
5 charge of the professional examination service and  
6 administrative costs of the department and as set by the  
7 board;  
8 (c) certificate fees ~~-\$10;~~  
9 (d) renewal fees ~~-\$20-to-\$50.~~  
10 ~~{2}--The board may set the application fee and the~~  
11 ~~annual renewal fee annually within the above limits.~~  
12 ~~{3}--The initial certificate fee shall be prorated as~~  
13 ~~follows:~~  
14 ~~{a}--if the certificate is issued between January 2 and~~  
15 ~~March 31, \$10;~~  
16 ~~{b}--if the certificate is issued between April 1 and~~  
17 ~~June 30, \$7.50;~~  
18 ~~{c}--if the certificate is issued between July 1 and~~  
19 ~~September 30, \$5;~~  
20 ~~{d}--if the certificate is issued between October 1 and~~  
21 ~~January 1, \$2.50.~~  
22 (4) (2) Renewal certificates shall be secured annually  
23 and dated January 2.  
24 (5) (3) Fees received by the department shall be  
25 deposited in the earmarked revenue fund for the use of the

1 board, subject to 37-1-101(6)."

2 Section 44. Section 37-18-307, MCA, is amended to  
3 read:

4 "37-18-307. Renewal -- fee -- continuing education --  
5 automatic renewal for military personnel. (1) A person  
6 licensed to practice veterinary medicine in this state shall  
7 procure from the department before July 1 annually his  
8 certificate of registration. The certificate shall be issued  
9 by the department on the payment of a fee to be fixed  
10 annually by the board, not exceeding the sum of \$25, and the  
11 presentation of evidence satisfactory to the board that the  
12 licensee, in the year preceding the application for renewal,  
13 attended an educational program approved by the board.  
14 However, the board may authorize the department to issue  
15 renewals, but not consecutive renewals, on a showing  
16 satisfactory to the board that attendance at the educational  
17 programs was unavoidably prevented; and new licensees who  
18 secure licenses by examination during the 6 months preceding  
19 July 1 shall be granted renewals without attending the  
20 educational programs. The certificate is prima facie  
21 evidence of the right of the holder to practice veterinary  
22 medicine in this state during the time for which it is  
23 issued.  
24 (2) Failure of a person licensed to procure a  
25 certificate of registration before July 1, annually,

1 constitutes a forfeiture of the license held by the person.  
 2 A person who has thus forfeited his license may have it  
 3 restored to him by making written application for  
 4 restoration within 1 year of the forfeiture, setting forth  
 5 the reasons for failure to procure the certificate of  
 6 registration at the time specified and accompanied by  
 7 payment of the registration fee provided for in this section  
 8 and an additional restoration fee, ~~not in excess of \$25~~, as  
 9 the board requires and by presentation of evidence  
 10 satisfactory to the board that he has fulfilled the  
 11 continuing educational requirements of all licensees recited  
 12 above. The person making application for restoration of  
 13 license within 1 year of its forfeiture is not required to  
 14 submit to examination.

15 (3) Notwithstanding any other provisions in this  
 16 chapter, a person licensed who enters or is called to active  
 17 duty by a branch of the armed services of the United States  
 18 is entitled to receive automatic registration of his license  
 19 during the period of his duty with the armed services.  
 20 However, within 1 year after release or discharge from duty  
 21 in the armed services he shall procure a certificate of  
 22 renewal from the department and pay the regular fee. Failure  
 23 to procure the certificate of renewal within 1 year after  
 24 release or discharge is the equivalent of a failure to  
 25 procure a certificate of registration before July 1 of any

1 year, and the same forfeiture and restoration requirements  
 2 apply.

3 (4) A person licensed shall at all times have his  
 4 residence and office address on file with the department."

5 Section 45. Section 37-18-403, MCA, is amended to  
 6 read:

7 "37-18-403. Licensure without examination. A person  
 8 who can produce satisfactory evidence that he has been  
 9 employed as a veterinary technician in the office of a  
 10 regularly licensed veterinarian in the state of Montana for  
 11 2 or more years prior to March 25, 1975, may, upon payment  
 12 of a fee ~~of \$25 prescribed by the board~~, be granted a  
 13 certificate to practice by the board of veterinarians;  
 14 provided that if the board in its discretion finds that  
 15 animal health and the public interest so require, the board  
 16 may require the applicant to pass a practical examination in  
 17 veterinary technology. A certificate must be secured before  
 18 such person may continue practice as a veterinary  
 19 technician."

20 Section 46. Section 37-18-405, MCA, is amended to  
 21 read:

22 "37-18-405. Renewal -- board to be kept informed of  
 23 employer. (1) Each licensed veterinary technician shall  
 24 annually on or before July 1 procure from the board a  
 25 certificate of annual registration. The fee for annual

1 registration shall be fixed by the board, ~~not exceeding the~~  
 2 ~~sum of \$10~~. Failure of a licensee to procure a certificate  
 3 of registration on or before July 1 shall constitute a  
 4 forfeiture of the license.

5 (2) Each licensed veterinary technician shall keep the  
 6 board informed of his address, the name and address of the  
 7 licensed veterinarian or of the state department which is  
 8 his employer, and such other information as the board may by  
 9 rule require."

10 Section 47. Section 37-19-301, MCA, is amended to  
 11 read:

12 "37-19-301. Funeral director's license -- renewal --  
 13 fee. The practice of funeral directing by anyone who does  
 14 not hold a funeral director's license or a mortician's  
 15 license issued by the department is prohibited. A person  
 16 licensed to practice funeral directing on June 1, 1963, is  
 17 entitled to an annual renewal of his license on payment of a  
 18 renewal fee to the department on July 1 of each year. The  
 19 amount of the annual renewal license fee shall be set by the  
 20 board ~~but--may-not-exceed-\$25~~. A funeral director's license  
 21 may not be issued to a person who is not licensed by the  
 22 board of embalmers and funeral directors to practice funeral  
 23 directing on June 1, 1963."

24 Section 48. Section 37-19-303, MCA, is amended to  
 25 read:

1 "37-19-303. Mortician's license -- application fee. A  
 2 person possessing the necessary qualifications may apply to  
 3 the department for a license and on payment of an  
 4 application fee, as set by the board ~~but-not-to-exceed-\$75~~,  
 5 may take the examination prescribed by the board. The  
 6 examination shall be held on the second Wednesday of July  
 7 each year in Helena and at such other times and places as  
 8 the board considers necessary."

9 Section 49. Section 37-19-304, MCA, is amended to  
 10 read:

11 "37-19-304. Issuance of intern's license -- license  
 12 fee -- issuance of mortician's license on completion of  
 13 internship. An applicant who passes the examination, upon  
 14 payment of a license fee of \$3 prescribed by the board,  
 15 shall be granted an intern mortician's license to practice  
 16 mortuary science under the supervision of a mortician in a  
 17 licensed mortuary in Montana and, upon completion of 1  
 18 year's internship and payment of the annual license fee, may  
 19 apply for and receive a mortician's license."

20 Section 50. Section 37-19-306, MCA, is amended to  
 21 read:

22 "37-19-306. Annual renewal of mortician's license --  
 23 fee -- suspension for nonrenewal. (1) The annual license fee  
 24 for a mortician's license must be postmarked before July 1  
 25 of the assessment year. The amount of the annual renewal fee



1 shall be set by the board ~~but may not exceed \$50.~~

2 (2) Failure to pay the annual renewal fee results in  
3 automatic suspension of the license. The license may be  
4 reinstated by the payment of unpaid renewal fees plus a  
5 penalty of ~~\$25~~ prescribed by the board."

6 Section 51. Section 37-19-403, MCA, is amended to  
7 read:

8 "37-19-403. Power of board to set standards --  
9 inspection. (1) The board may adopt rules prescribing  
10 reasonable standards for operating mortuaries, including  
11 minimum requirements for drainage, ventilation, and  
12 instruments, and may inspect the premises of a mortuary  
13 establishment to determine if such rules are complied with.  
14 Such inspection or inspections shall be made at the  
15 discretion of the board and may be without notice.

16 (2) The board may charge the operator an inspection  
17 fee to be set at the discretion of the board ~~but not to~~  
18 ~~exceed \$25 per year.~~"

19 Section 52. Section 37-30-307, MCA, is amended to  
20 read:

21 "37-30-307. Fees -- handicapped persons exempted --  
22 other fees prohibited. (1) The fee to be paid by an  
23 apprentice for an apprentice examination and an apprentice  
24 card ~~is \$25~~ shall be prescribed by the board.

25 (2) The fee to be paid by an applicant for an

1 examination to determine his fitness to receive a  
2 certificate of registration to practice barbering ~~is \$20~~ and  
3 for the issuance of the certificate ~~an additional \$10~~ shall  
4 be prescribed by the board.

5 (3) A person registered as a barber or barber  
6 apprentice shall, before July 1 of each year, pay a license  
7 fee, set by the board ~~in an amount not to exceed \$15~~ and  
8 based on clerical and administrative costs, for the renewal  
9 of his certificate of registration. If a barber fails to  
10 have the certificate renewed before July 1 of each year, the  
11 barber shall on renewal of the certificate of registration  
12 pay a penalty of ~~\$10~~ prescribed by the board in addition to  
13 the regular renewal fee. If a certificate of registration is  
14 not renewed within 1 year after the date of expiration, the  
15 barber is not entitled to have the certificate of  
16 registration renewed or a new certificate of registration  
17 issued without first applying for and taking the examination  
18 and paying the fees provided for in this section.

19 (4) However, physically handicapped persons trained  
20 for the barber profession by the department of social and  
21 rehabilitation services and certified by that department as  
22 having successfully completed a 9-month course in a  
23 reputable barber college are not required to pay fees and  
24 are for a period of 1 year immediately following their  
25 training exempt from all except the sanitary provisions of

1 this chapter.

2 (5) No other or additional license or fee may be  
3 imposed on barbers or barber apprentices by a municipality  
4 or other subdivision of this state."

5 Section 53. Section 37-30-404, MCA, is amended to  
6 read:

7 "37-30-404. Barber schools -- operator -- license fee  
8 -- patrons. (1) A barber school or college operating in this  
9 state must have in charge a person who has had 10 years'  
10 continuous experience as a barber.

11 (2) The owner of the school or college shall first  
12 secure a permit to operate granted by the board and issued  
13 by the department, on payment of an annual license fee of  
14 \$50 prescribed by the board, and shall keep the permit  
15 prominently displayed.

16 (3) The owner shall, before commencing business, file  
17 with the secretary of state a bond to this state, which  
18 shall be approved by the attorney general, in the sum of  
19 \$2,000, conditioned on the faithful compliance of the barber  
20 school or college with this chapter and the payment of  
21 judgments that may be obtained against the school, college,  
22 or owner on account of fraud, misrepresentation, or deceit  
23 practiced by them or by their agents.

24 (4) Barber schools or barber colleges may not charge  
25 patrons for barbering services and materials rendered.

1 (5) All barber schools or colleges shall keep  
2 prominently displayed a substantial sign as a barber school  
3 or barber college.

4 (6) On receiving students, all barber schools or  
5 colleges shall immediately apply to the department for  
6 student permits on blank forms prescribed by the board."

7 Section 54. Section 37-30-423, MCA, is amended to  
8 read:

9 "37-30-423. Initial inspection fee -- renewal. (1) In  
10 addition to the fees and charges provided by law on March  
11 11, 1939, barbershops established prior to that date and  
12 which had been under the inspection of the board shall pay  
13 an annual license fee set by the board ~~in an amount not to~~  
14 ~~exceed \$15~~ and based on clerical and administrative costs.  
15 Barbershops established after March 11, 1939, shall pay an  
16 initial inspection fee ~~of \$25 prescribed by the board~~ for  
17 the first year or portion thereof and shall pay an annual  
18 license fee set by the board ~~in an amount not to exceed \$15~~.

19 (2) Barbershop, school, or college licenses expire on  
20 July 1 of each year following the issuance of the license,  
21 and an owner or manager of a barbershop, school, or college  
22 which continues in active operation shall annually, before  
23 July 1, renew his barbershop, school, or college license and  
24 pay the required fee. A barbershop which fails to have the  
25 license renewed before July 1 of each year shall, on

1 renewal, pay a penalty of ~~\$10~~ prescribed by the board, and a  
 2 barber school or college which fails to have the license  
 3 renewed before July 1 of each year shall, on renewal, pay a  
 4 penalty of ~~\$55~~ prescribed by the board."

5 Section 55. Section 37-30-424, MCA, is amended to  
 6 read:

7 "37-30-424. Fee for advanced barber training program,  
 8 clinic, or seminar. Any person conducting in this state any  
 9 advanced barber training program, clinic, or seminar for  
 10 barbers as defined in this chapter shall pay an annual  
 11 license fee of ~~\$50~~ prescribed by the board to the department  
 12 or a 10-day license fee of ~~\$15~~ prescribed by the board and  
 13 display the license while operating. Any such advanced  
 14 barber training program, clinic, or seminar may be inspected  
 15 by the department at reasonable times during operation."

16 Section 56. Section 37-31-312, MCA, is amended to  
 17 read:

18 "37-31-312. Inspection. (1) The department shall  
 19 appoint one or more inspectors who are licensed to practice  
 20 under this chapter, each of whom shall devote his time to  
 21 inspecting beauty parlors and performing other duties as the  
 22 department may direct. The inspectors may enter a beauty  
 23 parlor or school of cosmetology during business hours for  
 24 the purpose of inspection, and the refusal of a licensee to  
 25 permit the inspection during business hours is cause for

1 revocation of the license.

2 (2) Upon application for a license, any cosmetological  
 3 establishment must pay an initial inspection fee of ~~\$25~~  
 4 prescribed by the board.

5 (3) The board may authorize the department to grant to  
 6 a cosmetological establishment, upon payment of the initial  
 7 inspection fee, a temporary permit authorizing the  
 8 cosmetological establishment to operate for a period of not  
 9 to exceed 90 days or until the inspector is able to make the  
 10 inspection, whichever event occurs first. This temporary  
 11 permit is not renewable."

12 Section 57. Section 37-31-322, MCA, is amended to  
 13 read:

14 "37-31-322. Renewal -- continuing education --  
 15 delinquency fee. (1) Licenses and certificates may be issued  
 16 for no longer than 1 year unless otherwise provided by rule.  
 17 Licenses and certificates expire on December 31 unless  
 18 otherwise provided by rule or renewed for the next year or  
 19 renewal period. Licenses and certificates may be renewed by  
 20 application made prior to December 31 of each year, unless  
 21 otherwise provided, and the payment of a required renewal  
 22 fee. Expired licenses and certificates may be renewed under  
 23 rules made by the board, but the right to renew an expired  
 24 license or certificate terminates after 10 years of  
 25 nonpayment. The board may provide by rule for a change in

1 the renewal date and renewal period for the manager-operator  
2 and salon owner category. The renewal fee may not exceed  
3 twice the fee for a 2-year renewal or three times the fee  
4 for a 3-year renewal and shall be as set by the board.

5 (2) In addition to the foregoing requirements for  
6 renewal, persons applying for the renewal of teachers'  
7 licenses must have fulfilled the following additional  
8 requirements:

9 (a) During each year, an active teacher, either  
10 full-time or part-time, must have successfully completed 30  
11 hours' professional teacher training at a school approved by  
12 the board.

13 (b) A person holding a teacher's license but not  
14 actively engaged either full-time or part-time in teaching  
15 cosmetology during the preceding year may renew the license  
16 by paying the required fee. A person holding a teacher's  
17 license but not actively engaged in teaching cosmetology  
18 either full-time or part-time for the preceding year or  
19 longer and wishing to resume active teaching of cosmetology  
20 must successfully complete 30 hours' professional teacher  
21 training at a school approved by the board before resuming  
22 active teaching. However, the foregoing provisions do not  
23 prevent the board, under rules it adopts, from permitting a  
24 person holding a teacher's license and not actively engaged  
25 either full-time or part-time in teaching cosmetology from

1 teaching as a substitute for an active teacher.

2 (3) A fee of ~~\$10~~ prescribed by the board shall be  
3 charged, in addition to other fees fixed by law, for renewal  
4 applications of licenses and certificates made after  
5 December 31 of each year or other predetermined renewal  
6 deadline. The department shall notify license and  
7 certificate holders of the expiration date of licenses and  
8 certificates not less than 30 days before the expiration  
9 date and call attention to the penalty imposed for failure  
10 to renew a license or certificate by the date of  
11 expiration."

12 Section 58. Section 37-31-323, MCA, is amended to  
13 read:

14 "37-31-323. Fees. (1) Fees for licenses and  
15 certificates of registration shall be paid to the department  
16 ~~not to exceed the following respective in~~ amounts prescribed  
17 by the board:

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

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

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

25 ~~(d) An applicant for examination to teach shall pay a~~

1 ~~fee of \$60 at the time of the application.~~

2 ~~(e) A person practicing cosmetology as an operator~~

3 ~~shall pay a fee of \$12 for the issuance of a license.~~

4 ~~(f) An applicant for a manager-operator license shall~~

5 ~~pay a fee of \$20 for the issuance of a license.~~

6 ~~(g) An applicant for an itinerant license as a~~

7 ~~cosmetologist shall pay a fee of \$100.~~

8 ~~(h) A person, firm, partnership, or corporation~~

9 ~~owning, operating, or conducting a cosmetological salon~~

10 ~~shall pay the sum of \$20 for the issuance of the certificate~~

11 ~~of registration.~~

12 ~~(i) A person teaching or instructing cosmetology shall~~

13 ~~pay a fee of \$20 for the issuance of a license.~~

14 ~~(j) A person, firm, partnership, or corporation~~

15 ~~owning, operating, or conducting a school of cosmetology~~

16 ~~shall pay the sum of \$100 for a certificate of registration.~~

17 ~~(k) A person, firm, partnership, or corporation~~

18 ~~owning, operating, or conducting an advanced school of~~

19 ~~cosmetology shall pay the sum of \$100 for a certificate of~~

20 ~~registration.~~

21 ~~(l) A person, firm, partnership, or corporation~~

22 ~~owning, operating, or conducting a teacher training unit in~~

23 ~~a school of cosmetology shall pay the sum of \$100 for a~~

24 ~~certificate of registration.~~

25 ~~(m) An applicant for reciprocity licensure shall pay a~~

1 ~~fee of \$100.~~

2 ~~(n) Duplicate licenses or certificates of registration~~

3 ~~shall be issued on payment of \$4 and proof of necessity.~~

4 (2) The license and registration fees shall be paid

5 annually, unless otherwise provided by board rule, in

6 advance to the department.

7 (3) No other or additional license or registration fee

8 may be imposed by a municipal corporation or other political

9 subdivision of this state for the practice or teaching of

10 cosmetology."

11 Section 59. Section 37-32-305, MCA, is amended to

12 read:

13 "37-32-305. Fees -- renewal -- deposit of moneys

14 collected. (1) The fee for an original electrologist license

15 shall not exceed \$50 as be set by the board. The renewal

16 shall be automatic, unless revoked or suspended for cause,

17 and the renewal fee shall be set by the board.

18 (2) The fee for an original electrologist salon

19 license shall be the same as that for cosmetology salons.

20 The renewal fee shall be the same as that for cosmetology

21 salons.

22 (3) All licenses issued under this chapter expire on

23 December 31 and shall be renewed annually. Failure to renew

24 on or before December 31 shall cause a late renewal fee of

25 \$10 prescribed by the board to be added to the regular

1 renewal fee. The right to renew by payment of the late  
2 renewal fee expires after 3 years of nonpayment.

3 (4) All fees or moneys collected by the department  
4 under this chapter shall be deposited in the earmarked  
5 revenue fund for the use of the board in administration of  
6 the chapter."

7 Section 60. Section 37-33-302, MCA, is amended to  
8 read:

9 "37-33-302. Application -- qualifications -- fee. (1)  
10 A person wishing to engage in the occupation of a massage  
11 therapist in this state shall make application to the  
12 department on the form and in the manner prescribed by the  
13 board at least 15 days prior to a meeting of the board. Each  
14 applicant shall hold a diploma or credentials issued by a  
15 recognized, approved school of massage therapy certifying  
16 not less than 1,000 hours of study satisfactory to the  
17 school. Application shall be in writing and sworn to by  
18 some officer authorized to administer oaths and shall recite  
19 the history of the applicant's educational qualifications,  
20 how long he has studied massage therapy, from what school he  
21 holds a certificate, and the length of time he has engaged  
22 in the occupation of massage therapy, accompanying this with  
23 proof by a diploma or certificate and with satisfactory  
24 evidence of good character and reputation.

25 (2) There shall be paid to the department by an

1 applicant for a license a fee of ~~or more~~ prescribed by the board  
2 which shall accompany the application. An applicant failing  
3 to pass the requirements is entitled, within 6 months, to a  
4 reexamination on payment of an additional fee of ~~of \$10~~  
5 prescribed by the board but on a third failure may not  
6 reapply for a period of 1 year."

7 Section 61. Section 37-33-305, MCA, is amended to  
8 read:

9 "37-33-305. Admission of licensees from other states.  
10 Upon payment of the fee of ~~\$35~~ prescribed by the board as  
11 herein provided, persons licensed to engage in the  
12 occupation of massage therapist under the laws of any other  
13 state having equal requirements to this chapter may, in the  
14 discretion of the board, be issued a license to engage in  
15 the occupation of massage therapist in this state without  
16 examination."

17 Section 62. Section 37-33-306, MCA, is amended to  
18 read:

19 "37-33-306. Renewal. (1) A license expires on December  
20 31 of each year and shall be renewed then or thereafter, by  
21 the department, on payment of a renewal fee of ~~not less than~~  
22 ~~\$10 or more than \$50~~, as set by the board.

23 (2) Any licensee who fails to renew on or before  
24 December 31 of each year shall be required to pay, in  
25 addition to the renewal fee, a late renewal fee in an amount

1 ~~not-to-exceed-\$10~~ prescribed by the board. Failure to renew  
2 within 30 days following December 31 shall be cause for  
3 suspension or revocation of the license."

4 Section 63. Section 37-40-303, MCA, is amended to  
5 read:

6 "37-40-303. Licensing sanitarians from other states.  
7 The department shall issue a license without examination to  
8 a person who applies to the department, pays a fee of ~~of--\$35~~  
9 prescribed by the board, and submits satisfactory proof to  
10 the board that:

- 11 (1) he is of good moral character; and  
12 (2) he is registered or licensed as a sanitarian in a  
13 state which has requirements comparable to those in this  
14 state."

15 Section 64. Section 37-40-304, MCA, is amended to  
16 read:

17 "37-40-304. Fees -- renewal. (1) An applicant for a  
18 license shall pay a fee set by the board in an amount  
19 commensurate with examination and administrative costs.

20 (2) A registered sanitarian may renew his license by  
21 paying an annual fee set by the board ~~not-to-exceed-\$10~~.

22 (3) Renewal fees are due July 1 of the renewal year.  
23 If the renewal fee is not paid, the license expires.  
24 Licenses which have lapsed for failure to pay renewal fees  
25 may be reissued under rules adopted by the board."

1 Section 65. Section 37-51-311, MCA, is amended to  
2 read:

3 "37-51-311. Fees -- deposit of fees. (1) The following  
4 fees prescribed by the board shall be charged by the  
5 department and paid into the earmarked revenue fund for the  
6 use of the board, subject to 37-1-101(6):

- 7 (a) ~~for each examination, a fee not to exceed \$25;~~  
8 (b) ~~for each original resident broker's license~~  
9 ~~issued, a fee not to exceed \$50;~~  
10 (c) ~~for each annual renewal of a resident broker's~~  
11 ~~license, a fee not to exceed \$30;~~  
12 (d) ~~for each original nonresident broker's license~~  
13 ~~issued, a fee not to exceed \$50;~~  
14 (e) ~~for each annual renewal of a nonresident broker's~~  
15 ~~license, a fee not to exceed \$30;~~  
16 (f) ~~for each original salesman's license issued, a fee~~  
17 ~~not to exceed \$25;~~  
18 (g) ~~for each annual renewal of a salesman's license, a~~  
19 ~~fee not to exceed \$15;~~  
20 (h) ~~for each additional office or place of business,~~  
21 ~~an annual fee not to exceed \$25;~~  
22 (i) ~~for each change of place of business or change of~~  
23 ~~employer or contractual associate, a fee not to exceed \$15;~~  
24 (j) ~~for each duplicate license when the original~~  
25 ~~license is lost or destroyed and affidavit is made, a fee~~

1 ~~not to exceed \$10.~~

2 ~~(k) -- for each duplicate pocket card when the original~~  
3 ~~pocket card is lost or destroyed and affidavit is made -- a~~  
4 ~~fee not to exceed \$10.~~

5 (2) The board shall charge ~~a \$5~~ an annual fee from a  
6 licensee who wishes to be placed in an inactive status. A  
7 licensee who is placed in an inactive status by the board  
8 and who has paid the required fee need not file a bond with  
9 the department as provided in 37-51-304.

10 (3) The board shall adopt a schedule of fees ~~within~~  
11 ~~the limits set by this section.~~ However, a fee once set for  
12 one of the items for which a fee is charged cannot be  
13 increased or decreased until at least 1 year has passed  
14 since the fee for that particular item was last increased or  
15 decreased."

16 Section 66. Section 37-67-303, MCA, is amended to  
17 read:

18 "37-67-303. Application -- contents -- fees. (1)  
19 Applications for registration shall be on forms prescribed  
20 by the board and furnished by the department, shall contain  
21 statements made under oath showing the applicant's education  
22 and a detailed summary of his technical work, and shall  
23 contain not less than five references, of whom three or more  
24 shall be engineers or land surveyors having personal  
25 knowledge of his engineering or land surveying experience.

1 (2) The fee for engineer-in-training is as prescribed  
2 by the board ~~but may not exceed \$30,~~ which and shall  
3 accompany the application and shall include the cost of one  
4 examination. No additional fee is required for issuance of a  
5 certificate.

6 (3) The application fee for registration as a  
7 professional engineer is as prescribed by the board ~~but may~~  
8 ~~not exceed \$40~~ for those holding an engineer-in-training  
9 certificate validated for Montana. For those holding a valid  
10 engineer-in-training certificate from some other state, the  
11 application fee is as prescribed by the board ~~but may not~~  
12 ~~exceed \$50,~~ which includes cost of transfer of  
13 engineer-in-training certification and one examination. Upon  
14 approval of application for registration as a professional  
15 engineer, an additional fee equal to the existing renewal  
16 fee must be paid before issuance of a certificate as a  
17 professional engineer.

18 (4) The department, subject to approval by the board,  
19 may, on application and payment of a fee as prescribed by  
20 the board ~~but not to exceed \$60,~~ issue a certificate of  
21 registration as a professional engineer to a person who  
22 holds a certificate of qualification or registration issued  
23 to him by the committee on national engineering  
24 certification of the national council of engineering  
25 examiners or by a state, territory, or possession of the



1 United States or by another country if the applicant's  
2 qualifications meet the requirements of this chapter and the  
3 rules of the board.

4 (5) The fee for land surveyor-in-training is as  
5 prescribed by the board ~~but may not exceed \$30~~, which shall  
6 accompany the application and shall include the cost of one  
7 examination. No additional fee is required for issuance of a  
8 certificate.

9 (6) The application fee for registration as a land  
10 surveyor is as prescribed by the board ~~but may not exceed~~  
11 ~~\$40~~ for those holding a land surveyor-in-training  
12 certificate validated in Montana. For those holding a valid  
13 land surveyor-in-training certificate from some other state,  
14 the application fee is as prescribed by the board ~~but may~~  
15 ~~not exceed \$50~~, which includes cost of transfer of the  
16 certification. No additional fee is required for issuance of  
17 a certificate. Upon approval of application for registration  
18 as a land surveyor, an additional fee equal to the existing  
19 renewal fee must be paid before issuance of a certificate as  
20 a land surveyor.

21 (7) The application fee for registration as both a  
22 professional engineer and land surveyor is as prescribed by  
23 the board ~~but may not exceed \$60~~ for those holding  
24 engineer-in-training and land surveyor-in-training  
25 certificates validated in Montana. For those holding valid

1 engineer-in-training and land surveyor-in-training  
2 certificates from another state, the application fee is as  
3 prescribed by the board ~~but may not exceed \$100~~. The fee  
4 shall accompany the application. Upon approval of  
5 application for registration as a professional engineer and  
6 land surveyor, an additional fee equal to the existing  
7 renewal fee must be paid before issuance of a certificate.

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

11 Section 67. Section 37-67-315, MCA, is amended to  
12 read:

13 \*37-67-315. Annual renewal -- fee -- verification of  
14 competency. (1) Certificates of registration expire on  
15 December 31 of the appropriate year and become invalid on  
16 that date unless renewed. The department shall notify every  
17 person registered under this chapter of the date of the  
18 expiration of his certificate and the amount of the fee  
19 required for its renewal for 2 years. This notice shall be  
20 mailed at least 1 month in advance of the date of the  
21 expiration of the certificate. Renewal may be made during  
22 the month of December of the appropriate year by the payment  
23 of a fee ~~not to exceed \$60 biennially~~, as set by the board  
24 for either a professional engineer or land surveyor, or  
25 both.

1 (2) No certificate may be renewed unless the  
2 registrant submits a verified statement to the effect and  
3 the board is satisfied that he has maintained competency by:

4 (a) the continued practice of engineering or land  
5 surveying; or

6 (b) engaging in other activities that provide for the  
7 maintenance of competency as prescribed by board rule.

8 (3) Failure on the part of a registrant to renew his  
9 certificate biennially in the month of December of the  
10 appropriate year does not deprive him of the right of  
11 renewal; however, a registrant who fails to pay the renewal  
12 fee for an additional renewal period shall be considered a  
13 new applicant and is required to submit a new application."

14 Section 68. Section 37-68-310, MCA, is amended to  
15 read:

16 "37-68-310. Annual renewal. Licenses of residential  
17 electricians, journeyman electricians, or master  
18 electricians, unless they have been suspended or revoked by  
19 the board, shall be renewed for a period of 1 year by the  
20 department on application for renewal made to the department  
21 prior to July 15 of the year in which the prior license  
22 expired and on the payment of an annual renewal fee. If  
23 application for renewal is not made prior to July 15, an  
24 additional fee of ~~-\$5~~ prescribed by the board shall be paid  
25 on account of the delinquency in renewal. All applications

1 for renewal must be made prior to August 15 of that year,  
2 otherwise the license is forfeited and the applicant is  
3 required to pass the examination and pay the fees required  
4 of applicants for original licenses."

5 Section 69. Codification instruction. Section 1 is  
6 intended to be codified as an integral part of Title 37,  
7 chapter 1.

-End-