

HOUSE BILL NO. 190

1/15 Introduced
1/15 Referred to State Administration
1/22 Hearing
1/22 Adverse Committee Report
1/23 Bill Killed

1 House BILL NO. 190
 2 INTRODUCED BY Lory
 3 BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION
 4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT STRENGTHENING
 6 ENFORCEMENT OF THE STATE BUILDING, PLUMBING, AND ELECTRICAL
 7 CODES; MAKING CERTAIN VIOLATIONS MISDEMEANORS AND SETTING
 8 FINES AND PENALTIES THEREFOR; AUTHORIZING STATE AND LOCAL
 9 BUILDING INSPECTORS TO ISSUE NOTICES TO APPEAR TO VIOLATORS;
 10 AUTHORIZING COUNTY ATTORNEYS, THE ATTORNEY GENERAL, CITY AND
 11 MUNICIPAL ATTORNEYS, AND ATTORNEYS OF THE DEPARTMENT OF
 12 ADMINISTRATION TO CONDUCT PROSECUTIONS OF VIOLATORS;
 13 AMENDING SECTION 50-60-110, MCA; AND PROVIDING AN EFFECTIVE
 14 DATE."

15
 16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 17 Section 1. Section 50-60-110, MCA, is amended to read:
 18 "50-60-110. Violation a misdemeanor -- penalty. (1)
 19 Any It is a misdemeanor for any person:
 20 (a) served with an order pursuant to the provisions of
 21 parts-1-through-4-who-fails this chapter or any rules,
 22 standards, or codes adopted hereunder to fail to comply with
 23 the order not-later-than-30-days-after-service-or within the
 24 time fixed by the department or a local building department
 25 for compliance, whichever-is-the-greater;

1 (b) or any owner, builder, architect, tenant,
 2 contractor, subcontractor, construction superintendent, or
 3 their agents, or-any-person taking part or assisting in the
 4 construction or use of any building who to knowingly
 5 violates violate any of the applicable provisions of the
 6 state building code or a municipal building code is-guilty
 7 of-a-misdemeanor-;
 8 (c) to fail to obtain a construction permit prior to
 9 commencing construction of a building when a permit is
 10 required under 50-60-108;
 11 (d) to fail to obtain a plumbing permit prior to
 12 commencing a plumbing installation when a permit is required
 13 under 50-60-505;
 14 (e) to fail to obtain an electrical permit prior to
 15 commencing an electrical installation when a permit is
 16 required under part 6 of this chapter and any rules adopted
 17 by the department thereunder; or
 18 (f) to fail to obtain any other permit required by the
 19 state building code.
 20 (2) Upon the conviction of any person under this
 21 section, he shall be fined not less than \$50 or more than
 22 \$500. In addition, any person who is convicted under
 23 subsections (1)(b) through (1)(e) of this section must pay
 24 to the department or local building department having
 25 jurisdiction an investigation fee equal to the amount of the



1 permit fee."

2 NEW SECTION. Section 2. Notice -- summons. (1) An
3 inspector hired by the department or a local building
4 department under this chapter may issue a notice to appear
5 to any person who he has probable cause to believe has
6 committed an offense under 50-60-110. The notice must:

- 7 (a) be in writing;
- 8 (b) state the name of the person and his address, if
- 9 known;
- 10 (c) set forth the nature of the offense;
- 11 (d) be signed by the inspector issuing the notice; and
- 12 (e) direct the person to appear before a court of
- 13 competent jurisdiction.

14 (2) Upon failure of the person to appear, a summons or
15 warrant of arrest may be issued.

16 NEW SECTION. Section 3. Prosecutions. The prosecution
17 of a person charged with violating any of the provisions of
18 50-60-110 may be conducted by the county attorney of the
19 county where the offense was committed, the attorney
20 general, a city or municipal attorney of the city or
21 municipality where the offense occurred, or any attorney
22 hired by the department.

23 NEW SECTION. Section 4. Extension of authority. Any
24 existing authority of the department of administration to
25 make rules on the subject of the provisions of this act is

1 extended to the provisions of this act.

2 NEW SECTION. Section 5. Codification instruction.
3 Sections 2 and 3 are intended to be codified as an integral
4 part of Title 50, chapter 60, part 1.

5 NEW SECTION. Section 6. Effective date. This act is
6 effective July 1, 1985.

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