

HOUSE BILL NO. 222

INTRODUCED BY STANFORD, SAYLES, CHRISTIAENS
BY REQUEST OF THE DEPARTMENT OF JUSTICE

IN THE HOUSE

JANUARY 18, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT.
	FIRST READING.
FEBRUARY 9, 1993	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 10, 1993	PRINTING REPORT.
FEBRUARY 11, 1993	SECOND READING, DO PASS.
FEBRUARY 12, 1993	ENGROSSING REPORT.
FEBRUARY 13, 1993	THIRD READING, PASSED. AYES, 80; NOES, 18.
FEBRUARY 15, 1993	TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 16, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON BUSINESS & INDUSTRY.
	FIRST READING.
MARCH 19, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 20, 1993	SECOND READING, CONCURRED IN AS AMENDED.
MARCH 22, 1993	THIRD READING, CONCURRED IN. AYES, 32; NOES, 16.
	RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 1, 1993	SECOND READING, AMENDMENTS CONCURRED IN.
---------------	---

APRIL 2, 1993

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 House BILL NO. 222
 2 INTRODUCED BY Stanford Saffer Christensen
 3 BY REQUEST OF THE DEPARTMENT OF JUSTICE
 4

5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LICENSURE
 6 REQUIREMENTS FOR PERSONS SELLING, INSTALLING, AND SERVICING
 7 FIRE PROTECTION EQUIPMENT; AMENDING SECTIONS 50-39-101,
 8 50-39-102, 50-39-103, 50-39-104, AND 50-39-105, MCA; AND
 9 PROVIDING AN APPLICABILITY DATE."

10
 11 STATEMENT OF INTENT

12 A statement of intent is required for this bill because
 13 the bill gives the department of justice authority to adopt
 14 administrative rules. The rules should provide for the use
 15 of current industry testing procedures and ensure that
 16 consumers receive safe and effective fire protection
 17 equipment.
 18

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

20 Section 1. Section 50-39-101, MCA, is amended to read:

21 "50-39-101. ~~Certificate-of--registration;--permit;--and~~
 22 ~~license~~ License and endorsements required. (1) A natural
 23 person ~~shall~~ or entity shall obtain a certificate--of
 24 registration license from the department of justice prior to
 25 before engaging in the business of servicing or--installing

1 fire extinguishers, or before engaging in the business of
 2 selling, servicing, or installing fire alarm systems,
 3 special agent fire suppression systems, or fire
 4 extinguishing systems. A person or firm--shall--obtain--from
 5 the department a permit to sell or a license to install fire
 6 extinguishers;--fire--alarm--systems;--or fire-extinguishing
 7 systems prior to engaging in the business. Each license must
 8 have separate department endorsements for fire
 9 extinguishers, fire alarm systems, special agent fire
 10 suppression systems, and fire extinguishing systems.

11 (2) The license and endorsement or endorsements must be
 12 prominently displayed at the business premises, and copies
 13 must be carried by the person supervising each installation
 14 or servicing and must be shown to anyone requesting to see
 15 them.

16 (3) It is a misdemeanor to knowingly or purposely
 17 service a fire extinguisher or sell, service, or install a
 18 fire alarm system, special agent fire suppression system, or
 19 fire extinguishing system without a license and
 20 endorsement."

21 Section 2. Section 50-39-102, MCA, is amended to read:

22 "50-39-102. Application for ~~certificate;--permit;--and~~
 23 license and endorsements. (1) Applications An application
 24 for licenses;--permits;--or certificates a license and any
 25 endorsements must be made on a form prescribed by the

department of justice.

(2) The department shall annually issue a license and endorsement to an applicant who:

(a) submits satisfactory proof that he the applicant is properly equipped and staffed to provide the sales or services to be licensed and endorsed ~~and who pays the required fee;~~

~~(3)(b) The department shall issue a certificate of registration to an applicant who scores a passing grade on an examination devised or approved by the department; and who pays the required fee.~~

(c) submits satisfactory proof that the applicant is insured to engage in the business covered by the license and endorsement or endorsements.

~~(4) The department shall issue a sales permit to an applicant who submits the information required by the department on the application form, who submits satisfactory proof that he deals only in equipment that meets the standards and regulations of the department, and who pays the required fee.~~

Section 3. Section 50-39-103, MCA, is amended to read:

"50-39-103. Inspections, and examinations, and hearings authorized. The department of justice may conduct inspections, examinations, or hearings prior to the issuance of licenses, permits, or certificates to determine an

applicant's qualifications."

Section 4. Section 50-39-104, MCA, is amended to read:

"50-39-104. Revocations and suspensions authorized Violations and penalties. The department of justice may deny, revoke, suspend, or refuse to issue renew a license, permit, or certificate or endorsement for falsification of an application or for a violation of the provisions of this part or any rules a rule promulgated by the department under applicable law [section 6]."

Section 5. Section 50-39-105, MCA, is amended to read:

"50-39-105. Fees. (1) The department of justice shall charge a fee for the inspection and issuance of licenses, permits, and certificates. The fee may not exceed \$50 for each license, permit, or certificate issued. There is an annual \$300 license fee. There is an annual \$250 fee for each endorsement required by 50-39-101. The fees may not be prorated. In the year of first application, there is an additional fee equal to the cost of processing the application.

(2) All The department of justice may retain the fees collected under this section must be paid into the general fund and use the money to administer this part."

NEW SECTION. Section 6. Rulemaking authority. The department of justice may adopt rules to implement this part.

1 NEW SECTION. **Section 7.** Codification instruction.
2 [Section 6] is intended to be codified as an integral part
3 of Title 50, chapter 39, part 1, and the provisions of Title
4 50, chapter 39, part 1, apply to [section 6].

5 NEW SECTION. **Section 8.** Applicability. Licenses issued
6 under 50-39-101 through 50-39-105 before October 1, 1993,
7 expire on December 31, 1993, after which those holding such
8 licenses are subject to the provisions of [this act].

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0222, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION: An act revising licensure requirements for persons selling, installing, and servicing fire protection equipment.

ASSUMPTIONS:

1. About 350 entities will apply for an annual license (\$300), and each applicant will also apply for one annual endorsement (\$250), or total new revenue of \$192,500 (350 X \$550).
2. The new revenue will be deposited in a state special revenue fund account. Expenditures associated with the licensing and endorsement process will be expended from the account.
3. 3.00 FTE (Deputy Fire Marshall - grade 15; Plan Reviewer - grade 16; Clerical - grade 9) and associated costs, including start-up equipment in FY94, will be necessary to operate this expanded function.
4. The expanded licensing/endorsement function will become operational on October 1, 1993. The 3.00 new FTE will be hired by approximately October 1, 1993, and 75% of the staff travel costs will be reimbursed by the applicants.
5. The fees may be used only to administer the proposal; excess revenue may not be used to reduce general fund for related Fire Marshall functions and, therefore, remains in the new account.

FISCAL IMPACT:

Department of Justice, Fire Prevention & Investigation Bureau:

Expenditures:

	FY '94			FY '95		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
FTE	12.50	14.75	2.25	12.50	15.50	3.00
Personal Services	406,700	474,200	67,500	407,700	497,700	90,000
Operating	113,900	146,400	32,500	116,100	157,200	41,100
Equipment	33,830	74,330	40,500	36,000	36,000	0
Total	554,430	694,930	140,500	559,800	690,900	131,100

Funding:

General Fund	554,430	554,430	0	559,800	559,800	0
State Special Revenue	0	140,500	140,500	0	131,100	131,100
Total	554,430	694,930	140,500	559,800	690,900	131,100

Revenues:

License Fees (General Fund)	700	0	(700)	700	0	(700)
License/Endorse. Fees (State Special)	0	192,500	192,500	0	192,500	192,500
Travel reimbursement (State Special)	0	11,200	11,200	0	15,000	15,000
Total	700	203,700	203,000	700	207,500	206,800

Net Impact:

General Fund	(700)			(700)
State Special Revenue	63,200			76,400

TECHNICAL NOTES: The bill fails to establish the state special revenue fund account to collect and expend the fees.

Dave Lewis 1-23-93
 DAVE LEWIS, BUDGET DIRECTOR DATE
 Office of Budget and Program Planning

Wayne Stanford 1/25/93
 WAYNE STANFORD, PRIMARY SPONSOR DATE
 Fiscal Note for HB0222, as introduced

HB 222

APPROVED BY COMM. ON BUSINESS
AND ECONOMIC DEVELOPMENT

HOUSE BILL NO. 222

INTRODUCED BY STANFORD, SAYLES, CHRISTIAENS

BY REQUEST OF THE DEPARTMENT OF JUSTICE

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LICENSURE REQUIREMENTS FOR PERSONS SELLING, INSTALLING, AND SERVICING FIRE PROTECTION EQUIPMENT; AMENDING SECTIONS 50-39-101, 50-39-102, 50-39-103, 50-39-104, AND 50-39-105, MCA; AND PROVIDING AN APPLICABILITY DATE."

STATEMENT OF INTENT

A statement of intent is required for this bill because the bill gives the department of justice authority to adopt administrative rules. The rules should provide for the use of current industry testing procedures and ensure that consumers receive safe and effective fire protection equipment.

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

Section 1. Section 50-39-101, MCA, is amended to read:

"50-39-101. Certificate-of--registration--permit--and license License and endorsements required. (1) A natural person shall or entity shall obtain a certificate--of registration license from the department of justice prior to before engaging in the business of servicing or--installing

fire extinguishers, or before engaging in the business of selling, servicing, or installing fire alarm systems, special agent fire suppression systems, or fire extinguishing systems. A-person-or-firm--shall--obtain--from the-department-a-permit-to-sell-or-a-license-to-install-fire extinguishers--fire--alarm--systems--or-fire-extinguishing systems-prior-to-engaging-in-the-business. Each INDIVIDUAL, EXCEPT AN APPRENTICE, EMPLOYED BY THE LICENSEE TO PERFORM SERVICES UNDER THE license must have--separate--department endorsements--for OBTAIN FROM THE DEPARTMENT AN ENDORSEMENT TO SERVICE fire extinguishers, OR TO SELL, SERVICE, OR INSTALL:

(A) fire alarm systems;

(B) special agent fire suppression systems--and; OR

(C) fire extinguishing systems.

(2) The license and endorsement or endorsements must be prominently displayed at the business premises, and copies must be carried by the person supervising CONDUCTING each installation or servicing and must be shown to anyone requesting to see them.

(3) It is a misdemeanor to knowingly or purposely service a fire extinguisher or sell, service, or install a fire alarm system, special agent fire suppression system, or fire extinguishing system without a THE REQUIRED license and endorsement."

Section 2. Section 50-39-102, MCA, is amended to read:

"50-39-102. Application for ~~certificate,--permit,--and~~ license and endorsements. (1) ~~Applications~~ An application for ~~licenses,--permits,--or--certificates~~ a license and any endorsements must be made on a form prescribed by the department of justice.

(2) The department shall annually issue a license and endorsement to an applicant who:

(a) submits satisfactory proof that he the applicant is properly equipped and staffed to provide the sales or services to be licensed and endorsed and--who-pays-the required-fee; AND

~~(3)(b)~~ The department--shall--issue--a--certificate--of registration--to--an-applicant-who scores-a-passing-grade-on an-examination-devised or-approved by--the--department; and who-pays-the-required-fee.

~~(c)~~ submits satisfactory proof that the applicant is insured to engage in the business covered by the license and endorsement or endorsements.

~~(4)--The-department-shall-issue-a--sales--permit--to--an applicant--who--submits--the--information--required--by--the department-on-the-application-form, who-submits-satisfactory proof--that--he--deals--only--in--equipment--that--meets--the standards-and-regulations-of-the-department,--and--who--pays the-required-fee.~~

(3) THE DEPARTMENT SHALL:

(A) ISSUE AN ENDORSEMENT TO AN APPLICANT WHO SCORES A PASSING GRADE ON AN EXAMINATION DEVISED OR APPROVED BY THE DEPARTMENT; AND

(B) ANNUALLY RENEW THE ENDORSEMENT UPON PAYMENT OF THE ENDORSEMENT FEE AND SUBMISSION OF SATISFACTORY PROOF THAT THE ENDORSEE HAS COMPLETED CONTINUING EDUCATION, TRAINING, OR TESTING REQUIRED BY THE DEPARTMENT."

Section 3. Section 50-39-103, MCA, is amended to read:

"50-39-103. Inspections, and examinations, and hearings authorized. The department of justice may conduct inspections, examinations, or hearings prior-to-the-issuance of--licenses,--permits,--or--certificates to determine an applicant's qualifications."

Section 4. Section 50-39-104, MCA, is amended to read:

"50-39-104. Revocations---and---suspensions---authorized Violations and penalties. The department of justice may deny, revoke, suspend, or refuse to issue renew a license, permit,--or--certificate or endorsement for falsification of an application or for a violation of the-provisions-of this part or any-rules a rule promulgated by the department under applicable-law [section 6]."

Section 5. Section 50-39-105, MCA, is amended to read:

"50-39-105. Fees. (1) The-department-of--justice--shall charge--a--fee--for-the-inspection-and-issuance-of-licenses,

~~permits, and certificates. The fee may not exceed \$50 for each license, permit, or certificate issued~~ There is an annual \$300 license fee.

(2) There is an annual \$250 fee for each endorsement required by 50-39-101, AS FOLLOWS:

(A) \$100 TO SERVICE FIRE EXTINGUISHERS;

(B) \$175 TO SELL, SERVICE, OR INSTALL FIRE ALARM SYSTEMS;

(C) \$175 TO SELL, SERVICE, OR INSTALL SPECIAL AGENT FIRE SUPPRESSION SYSTEMS; AND

(D) \$175 TO SELL, SERVICE, OR INSTALL FIRE EXTINGUISHING SYSTEMS.

(3) The fees may not be prorated. In the year of first application, there is an additional fee equal to the cost of processing the application.

~~{2}--All The department of justice may retain the fees collected under this section must be paid into the general fund and use the money to administer this part.~~

NEW SECTION. Section 6. Rulemaking authority. The department of justice may adopt rules to implement this part.

NEW SECTION. SECTION 7. DEPOSIT OF FEES. THE FEES COLLECTED UNDER 50-39-105 MUST BE DEPOSITED IN AN ACCOUNT IN THE STATE SPECIAL REVENUE FUND TO THE CREDIT OF THE DEPARTMENT OF JUSTICE AND APPROPRIATED TO THE DEPARTMENT TO

ADMINISTER [THIS ACT].

NEW SECTION. SECTION 8. COORDINATION INSTRUCTION. IF HOUSE BILL NO. 207 IS PASSED AND APPROVED AND IF IT CREATES A STATE SPECIAL REVENUE ACCOUNT TO FUND THE FIRE PREVENTION AND INVESTIGATION ACTIVITIES OF THE DEPARTMENT OF JUSTICE, THEN [SECTION 7 OF THIS ACT] IS VOID AND THE FEES COLLECTED UNDER 50-39-105, AS AMENDED BY [THIS ACT], MUST BE DEPOSITED IN THE SPECIAL REVENUE ACCOUNT CREATED BY HOUSE BILL NO. 207.

NEW SECTION. Section 9. Codification instruction. ~~{Section--6}--is~~ [SECTIONS 6 AND 7] ARE intended to be codified as an integral part of Title 50, chapter 39, part 1, and the provisions of Title 50, chapter 39, part 1, apply to ~~{section-6}~~ [SECTIONS 6 AND 7].

NEW SECTION. Section 10. Applicability. Licenses issued under 50-39-101 through 50-39-105 before October 1, 1993, expire on December 31, 1993, after which those holding such licenses are subject to the provisions of [this act].

-End-

HOUSE BILL NO. 222

INTRODUCED BY STANFORD, SAYLES, CHRISTIAENS

BY REQUEST OF THE DEPARTMENT OF JUSTICE

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LICENSURE REQUIREMENTS FOR PERSONS SELLING, INSTALLING, AND SERVICING FIRE PROTECTION EQUIPMENT; AMENDING SECTIONS 50-39-101, 50-39-102, 50-39-103, 50-39-104, AND 50-39-105, MCA; AND PROVIDING AN APPLICABILITY DATE."

STATEMENT OF INTENT

A statement of intent is required for this bill because the bill gives the department of justice authority to adopt administrative rules. The rules should provide for the use of current industry testing procedures and ensure that consumers receive safe and effective fire protection equipment.

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

Section 1. Section 50-39-101, MCA, is amended to read:

"50-39-101. ~~Certificate-of--registration--permit--and~~ License and endorsements required. (1) A natural person ~~shall~~ or entity shall obtain a ~~certificate--of~~ registration license from the department of justice prior to ~~before engaging in the business of servicing or--installing~~

~~fire extinguishers, or before engaging in the business of~~ selling, servicing, or installing fire alarm systems,
~~special agent fire suppression systems, or fire~~ special agent fire suppression systems, or fire
~~extinguishing systems. A person or firm shall obtain from~~ extinguishing systems. A person or firm shall obtain from
~~the department a permit to sell or a license to install fire~~ the department a permit to sell or a license to install fire
~~extinguishers, fire alarm systems, or fire extinguishing~~ extinguishers, fire alarm systems, or fire extinguishing
~~systems prior to engaging in the business. Each~~ systems prior to engaging in the business. Each INDIVIDUAL,
~~EXCEPT AN APPRENTICE, EMPLOYED BY THE LICENSEE TO PERFORM~~ EXCEPT AN APPRENTICE, EMPLOYED BY THE LICENSEE TO PERFORM
~~SERVICES UNDER THE license must have separate department~~ SERVICES UNDER THE license must have separate department
~~endorsements for~~ endorsements for OBTAIN FROM THE DEPARTMENT AN ENDORSEMENT
~~TO SERVICE fire extinguishers, OR TO SELL, SERVICE, OR~~ TO SERVICE fire extinguishers, OR TO SELL, SERVICE, OR
~~INSTALL;~~ INSTALL;

(A) fire alarm systems;(B) special agent fire suppression systems; and; OR(C) fire extinguishing systems.

(2) The license and endorsement or endorsements must be prominently displayed at the business premises, and copies must be carried by the person supervising CONDUCTING each installation or servicing and must be shown to anyone requesting to see them.

(3) It is a misdemeanor to knowingly or purposely service a fire extinguisher or sell, service, or install a fire alarm system, special agent fire suppression system, or fire extinguishing system without a THE REQUIRED license and endorsement."

Section 2. Section 50-39-102, MCA, is amended to read:

"50-39-102. Application for certificate,--permit,--and license and endorsements. (1) Applications An application for licenses, permits, or certificates a license and any endorsements must be made on a form prescribed by the department of justice.

(2) The department shall annually issue a license and endorsement to an applicant who:

(a) submits satisfactory proof that he the applicant is properly equipped and staffed to provide the sales or services to be licensed and endorsed and--who pays the required fee; AND

(3)(b) The department--shall--issue--a--certificate--of registration--to--an applicant who scores a passing grade on an examination devised or approved by--the--department, and who pays the required fee.

(c) submits satisfactory proof that the applicant is insured to engage in the business covered by the license and endorsement or endorsements.

(4) The department shall issue a sales permit to an applicant who--submits--the--information--required--by--the department on the application form, who submits satisfactory proof--that--he--deals--only--in--equipment--that--meets--the standards and regulations of the department,--and--who--pays the required fee.

(3) THE DEPARTMENT SHALL:

(A) ISSUE AN ENDORSEMENT TO AN APPLICANT WHO SCORES A PASSING GRADE ON AN EXAMINATION DEVISED OR APPROVED BY THE DEPARTMENT; AND

(B) ANNUALLY RENEW THE ENDORSEMENT UPON PAYMENT OF THE ENDORSEMENT FEE AND SUBMISSION OF SATISFACTORY PROOF THAT THE ENDORSEE HAS COMPLETED CONTINUING EDUCATION, TRAINING, OR TESTING REQUIRED BY THE DEPARTMENT."

Section 3. Section 50-39-103, MCA, is amended to read:

"50-39-103. Inspections, and examinations, and hearings authorized. The department of justice may conduct inspections, examinations, or hearings prior-to-the-issuance of--licenses,--permits,--or--certificates to determine an applicant's qualifications."

Section 4. Section 50-39-104, MCA, is amended to read:

"50-39-104. Revocations--and--suspensions--authorised Violations and penalties. The department of justice may deny, revoke, suspend, or refuse to issue renew a license, permit, or certificate or endorsement for falsification of an application or for a violation of the provisions of this part or any rules a rule promulgated by the department under applicable law [section 6]."

Section 5. Section 50-39-105, MCA, is amended to read:

"50-39-105. Fees. (1) The department of--justice--shall charge--a--fee--for the inspection and issuance of licenses,

~~permits, and certificates. The fee may not exceed \$50 for each license, permit, or certificate issued.~~ There is an annual \$300 license fee.

(2) There is an annual \$250 fee for each endorsement required by 50-39-101r, AS FOLLOWS:

(A) \$100 TO SERVICE FIRE EXTINGUISHERS;

(B) \$175 TO SELL, SERVICE, OR INSTALL FIRE ALARM SYSTEMS;

(C) \$175 TO SELL, SERVICE, OR INSTALL SPECIAL AGENT FIRE SUPPRESSION SYSTEMS; AND

(D) \$175 TO SELL, SERVICE, OR INSTALL FIRE EXTINGUISHING SYSTEMS.

(3) The fees may not be prorated. In the year of first application, there is an additional fee equal to the cost of processing the application.

~~{2}--All The department of justice may retain the fees collected under this section must be paid into the general fund and use the money to administer this part."~~

NEW SECTION. Section 6. Rulemaking authority. The department of justice may adopt rules to implement this part.

NEW SECTION. SECTION 7. DEPOSIT OF FEES. THE FEES COLLECTED UNDER 50-39-105 MUST BE DEPOSITED IN AN ACCOUNT IN THE STATE SPECIAL REVENUE FUND TO THE CREDIT OF THE DEPARTMENT OF JUSTICE AND APPROPRIATED TO THE DEPARTMENT TO

ADMINISTER [THIS ACT].

NEW SECTION. SECTION 8. COORDINATION INSTRUCTION. IF HOUSE BILL NO. 207 IS PASSED AND APPROVED AND IF IT CREATES A STATE SPECIAL REVENUE ACCOUNT TO FUND THE FIRE PREVENTION AND INVESTIGATION ACTIVITIES OF THE DEPARTMENT OF JUSTICE, THEN [SECTION 7 OF THIS ACT] IS VOID AND THE FEES COLLECTED UNDER 50-39-105, AS AMENDED BY [THIS ACT], MUST BE DEPOSITED IN THE SPECIAL REVENUE ACCOUNT CREATED BY HOUSE BILL NO. 207.

NEW SECTION. Section 9. Codification instruction. ~~{Section--6}--is~~ [SECTIONS 6 AND 7] ARE intended to be codified as an integral part of Title 50, chapter 39, part 1, and the provisions of Title 50, chapter 39, part 1, apply to ~~{section-6}~~ [SECTIONS 6 AND 7].

NEW SECTION. Section 10. Applicability. Licenses issued under 50-39-101 through 50-39-105 before October 1, 1993, expire on December 31, 1993, after which those holding such licenses are subject to the provisions of [this act].

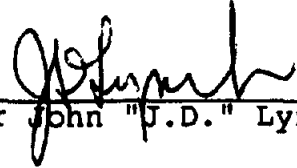
-End-

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 18, 1993

MR. PRESIDENT:

We, your committee on Business and Industry having had under consideration House Bill No. 222 (first reading copy -- blue), respectfully report that House Bill No. 222 be amended as follows and as so amended be concurred in.

Signed: 

Senator John "J.D." Lynch, Chair

That such amendments read:

1. Page 2, line 11.

Strike: "TO SERVICE fire extinguishers, OR"

2. Page 5, line 3.

Strike: "\$300"

Insert: "\$200"

3. Page 5, line 6.

Following: "(A)"

Strike: "\$100 TO SERVICE FIRE EXTINGUISHERS;"

4. Page 5, line 7.

Strike: "(B) \$175"

Renumber: subsequent subsections

5. Page 5, line 9.

Strike: "\$175"

Insert: "\$100"

6. Page 5, line 11.

Strike: "\$175"

Insert: "\$100"

-END-

SENATE

M- Amd. Coord.
Sec. of Senate

Christaens
Senator Carrying Bill

HB 222
611747SC.Sma

SENATE COMMITTEE OF THE WHOLE AMENDMENT

March 20, 1993 8:32 am

Mr. Chairman: I move to amend House Bill No. 222 (first reading copy -- blue).

ADOPT

REJECT

Signed: B. F. "Chris" Christiaens
Senator B. F. "Chris" Christiaens

That such amendments read:

Amend the Business and Industry standing committee report dated March 18, 1993 to read:

1. Page 2, line 11.

Strike: "TO SERVICE fire extinguishers, OR"

2. Page 5, line 3.

Strike: "\$300"

Insert: "\$200"

3. Page 5, line 6.

Following: "(A) \$100"

Strike: "TO SERVICE FIRE EXTINGUISHERS;"

4. Page 5, line 7.

Strike: "(B) \$175"

Renumber: subsequent subsections

5. Page 5, line 9.

Strike: "\$175"

Insert: "\$100"

6. Page 5, line 11.

Strike: "\$175"

Insert: "\$100"

-END-

HB 222

SENATE

m/ Amd. Coord.

r630831CW.Sma

HOUSE BILL NO. 222

INTRODUCED BY STANFORD, SAYLES, CHRISTIAENS

BY REQUEST OF THE DEPARTMENT OF JUSTICE

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LICENSURE REQUIREMENTS FOR PERSONS SELLING, INSTALLING, AND SERVICING FIRE PROTECTION EQUIPMENT; AMENDING SECTIONS 50-39-101, 50-39-102, 50-39-103, 50-39-104, AND 50-39-105, MCA; AND PROVIDING AN APPLICABILITY DATE."

STATEMENT OF INTENT

A statement of intent is required for this bill because the bill gives the department of justice authority to adopt administrative rules. The rules should provide for the use of current industry testing procedures and ensure that consumers receive safe and effective fire protection equipment.

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

Section 1. Section 50-39-101, MCA, is amended to read:

"50-39-101. ~~Certificate-of--registration;--permit;--and~~ license License and endorsements required. (1) A natural person ~~shall~~ or entity shall obtain a ~~certificate--of~~ registration license from the department of justice ~~prior to~~ before engaging in the business of servicing or--installing

fire extinguishers, or before engaging in the business of selling, servicing, or installing fire alarm systems, special agent fire suppression systems, or fire extinguishing systems. A person or firm shall obtain from the department a permit to sell or a license to install fire extinguishers, fire alarm systems, or fire extinguishing systems prior to engaging in the business. Each INDIVIDUAL, EXCEPT AN APPRENTICE, EMPLOYED BY THE LICENSEE TO PERFORM SERVICES UNDER THE license must have--separate--department endorsements--for OBTAIN FROM THE DEPARTMENT AN ENDORSEMENT TO SERVICE fire--extinguishers, OR TO SELL, SERVICE, OR INSTALL:

(A) fire alarm systems;

(B) special agent fire suppression systems; and; OR

(C) fire extinguishing systems.

(2) The license and endorsement or endorsements must be prominently displayed at the business premises, and copies must be carried by the person supervising CONDUCTING each installation or servicing and must be shown to anyone requesting to see them.

(3) It is a misdemeanor to knowingly or purposely service a fire extinguisher or sell, service, or install a fire alarm system, special agent fire suppression system, or fire extinguishing system without a THE REQUIRED license and endorsement."

Section 2. Section 50-39-102, MCA, is amended to read:

"50-39-102. Application for ~~certificate,--permit,--and~~ license and endorsements. (1) ~~Applications~~ An application for ~~licenses,--permits,--or--certificates~~ a license and any endorsements must be made on a form prescribed by the department of justice.

(2) The department shall annually issue a license and endorsement to an applicant who:

(a) submits satisfactory proof that he the applicant is properly equipped and staffed to provide the sales or services to be licensed and endorsed and--who-pays-the required-fee; AND

~~(3)(b)~~ The department--shall--issue--a--certificate--of registration--to--an applicant who scores a passing grade on an examination devised or approved by--the--department; and who pays the required fee.

~~(c)~~ submits satisfactory proof that the applicant is insured to engage in the business covered by the license and endorsement or endorsements.

~~(4)~~ The department shall issue a sales--permit--to--an applicant--who--submits--the--information--required--by--the department on the application form, who submits satisfactory proof--that--he--deals--only--in--equipment--that--meets--the standards and regulations of the department,--and--who--pays the required fee.

(3) THE DEPARTMENT SHALL:

(A) ISSUE AN ENDORSEMENT TO AN APPLICANT WHO SCORES A PASSING GRADE ON AN EXAMINATION DEvised OR APPROVED BY THE DEPARTMENT; AND

(B) ANNUALLY RENEW THE ENDORSEMENT UPON PAYMENT OF THE ENDORSEMENT FEE AND SUBMISSION OF SATISFACTORY PROOF THAT THE ENDORSEE HAS COMPLETED CONTINUING EDUCATION, TRAINING, OR TESTING REQUIRED BY THE DEPARTMENT."

Section 3. Section 50-39-103, MCA, is amended to read:

"50-39-103. Inspections, and examinations, and hearings authorized. The department of justice may conduct inspections, examinations, or hearings ~~prior to the issuance of--licenses,--permits,--or--certificates~~ to determine an applicant's qualifications."

Section 4. Section 50-39-104, MCA, is amended to read:

"50-39-104. ~~Revocations--and--suspensions--authorized~~ Violations and penalties. The department of justice may deny, revoke, suspend, or refuse to issue ~~renew a license, permit,--or--certificate or endorsement~~ for falsification of an application or for a violation of the provisions of this part or any rules a rule promulgated by the department under applicable law [section 6]."

Section 5. Section 50-39-105, MCA, is amended to read:

"50-39-105. Fees. (1) ~~The department of--justice--shall charge--a--fee--for the inspection and issuance of licenses,~~

~~permits, and certificates. The fee may not exceed \$50 for each license, permit, or certificate issued.~~ There is an annual \$200 license fee.

(2) There is an annual \$250 fee for each endorsement required by 50-39-101, AS FOLLOWS:

(A) \$100 ~~TO SERVICE FIRE EXTINGUISHERS;~~

~~(B) \$175 TO SELL, SERVICE, OR INSTALL FIRE ALARM SYSTEMS;~~

~~(C) \$175 \$100 TO SELL, SERVICE, OR INSTALL SPECIAL AGENT FIRE SUPPRESSION SYSTEMS; AND~~

~~(D) \$175 \$100 TO SELL, SERVICE, OR INSTALL FIRE EXTINGUISHING SYSTEMS.~~

(3) The fees may not be prorated. In the year of first application, there is an additional fee equal to the cost of processing the application.

~~(2) All The department of justice may retain the fees collected under this section must be paid into the general fund and use the money to administer this part.~~

NEW SECTION. Section 6. Rulemaking authority. The department of justice may adopt rules to implement this part.

NEW SECTION. SECTION 7. DEPOSIT OF FEES. THE FEES COLLECTED UNDER 50-39-105 MUST BE DEPOSITED IN AN ACCOUNT IN THE STATE SPECIAL REVENUE FUND TO THE CREDIT OF THE DEPARTMENT OF JUSTICE AND APPROPRIATED TO THE DEPARTMENT TO

ADMINISTER [THIS ACT].

NEW SECTION. SECTION 8. COORDINATION INSTRUCTION. IF HOUSE BILL NO. 207 IS PASSED AND APPROVED AND IF IT CREATES A STATE SPECIAL REVENUE ACCOUNT TO FUND THE FIRE PREVENTION AND INVESTIGATION ACTIVITIES OF THE DEPARTMENT OF JUSTICE, THEN [SECTION 7 OF THIS ACT] IS VOID AND THE FEES COLLECTED UNDER 50-39-105, AS AMENDED BY [THIS ACT], MUST BE DEPOSITED IN THE SPECIAL REVENUE ACCOUNT CREATED BY HOUSE BILL NO. 207.

NEW SECTION. Section 9. Codification instruction. ~~Section 6~~ [SECTIONS 6 AND 7] ARE intended to be codified as an integral part of Title 50, chapter 39, part 1, and the provisions of Title 50, chapter 39, part 1, apply to ~~section 6~~ [SECTIONS 6 AND 7].

NEW SECTION. Section 10. Applicability. Licenses issued under 50-39-101 through 50-39-105 before October 1, 1993, expire on December 31, 1993, after which those holding such licenses are subject to the provisions of [this act].

-End-