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.

DO PASS AS AMENDED. REPORT ADOPTED.

INTRODUCED AND REFERRED TO COMMITTEE

FIRST READING.

PRINTING REPORT.

COMMITTEE RECOMMEND BILL

SECOND READING, DO PASS.

ON BUSINESS & INDUSTRY.

- FEBRUARY 9, 1993
- FEBRUARY 10, 1993
- FEBRUARY 11, 1993
- 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

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

e.

THIRD READING, AMENDMENTS CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

LC 0751/01

HOUSE BILL NO. A 222 1 INTRODUCED BY 2 BY REQUEST OF THE DEPARTMENT OF JUSTICE 3 4 "AN ACT REVISING LICENSURE A BILL FOR AN ACT ENTITLED: 5 REQUIREMENTS FOR PERSONS SELLING, INSTALLING, AND SERVICING 6 FIRE PROTECTION EQUIPMENT; AMENDING SECTIONS 50-39-101, 7 50-39-102, 50-39-103, 50-39-104, AND 50-39-105, MCA; AND 8 PROVIDING AN APPLICABILITY DATE." 9 10

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.

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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--registrationy--permity--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

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-firmshallobtainfrom
5	the-department-a-permit-to-sell-or-a-license-to-install-fire
6	extinguishers7firealarmsystems7or-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 certificatepermitand
23	license and endorsements. (1) Applications An application
24	for licensesy-permitsy-or-certificates <u>a license and any</u>
25	endorsements must be made on a form prescribed by the

-2- HB D22. INTRODUCED BILL

LC 0751/01

1 department of justice.

2 (2) The department shall <u>annually</u> issue a license <u>and</u>
3 <u>endorsement</u> to an applicant who:

4 (a) submits satisfactory proof that he <u>the applicant</u> is
5 properly equipped and staffed to provide the <u>sales or</u>
6 services to be licensed <u>and endorsed</u> and-who-pays-the
7 required-feet;

8 (3)(b) The-department--shall--issue--a--certificate--of
 9 registration--to--an-applicant-who scores a passing grade on
 10 an examination devised or approved by the department; and
 11 who-pays-the-required-feet

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

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

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--licensesy--permitsy--or--certificates to determine an

1 applicant's qualifications."

Section 4. Section 50-39-104, MCA, is amended to read: 2 3 *50-39-104. Revocations--and---suspensions---authorized Violations and penalties. The department of justice may 4 deny, revoke, suspend, or refuse to issue renew a licenser 5 permity--or--certificate or endorsement for falsification of 6 7 an application or for a violation of the-provisions-of this part or any-rules a rule promulgated by the department under 8 applicable-law [section 6]." 9 Section 5. Section 50-39-105, MCA, is amended to read: 10 11 *50-39-105. Pees. (1) The-department-of-justice-shall 12 charge-a-fee-for-the-inspection-and--issuance--of--licenses7 13 permitsy--and--certificates---The-fee-may-not-exceed-950-for 14 each-licensey-permity-or--certificate--issued There is an 15 annual \$300 license fee. There is an annual \$250 fee for 16 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.

20 (2) All <u>The department of justice may retain the</u> fees
21 collected under this section must-be-paid-into--the--general
22 fund and use the money to administer this part."

23 <u>NEW SECTION.</u> Section 6. Rulemaking authority. The
24 department of justice may adopt rules to implement this
25 part.

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LC 0751/01

1NEW SECTION.Section 7. Codificationinstruction.2[Section 6] is intended to be codified as an integral part3of Title 50, chapter 39, part 1, and the provisions of Title450, 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	
2	<u>urrent Law</u>	Proposed Law	Difference	Current Law	Proposed Law	<u>Difference</u>
FTB	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	<u>33,830</u>	<u>74,330</u>	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	<u>140,500</u>	140,500	0	<u>131,100</u>	<u>131,100</u>
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 Specia	al) 0	192,500	192,500	0	192,500	192,500
Travel reimbursement (State Special	1)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.

-23-97

DAVE LEWIS, BUDGET DIRECTOR DATE Office of Budget and Program Planning

WAYNE STANFORD, PRIMARY SPONSOR DATE Fiscal Note for <u>HB0222, as introduced</u>

53rd Legislature

HB 0222/02

HB 0222/02

APPROVED BY COMM. ON BUSINESS AND ECONOMIC DEVELOPMENT

1 HOUSE BILL NO. 222 INTRODUCED BY STANFORD, SAYLES, CHRISTIAENS 2 3 BY REQUEST OF THE DEPARTMENT OF JUSTICE 4 5 A BILL FOR AN ACT ENTITLED; "AN ACT REVISING LICENSURE REQUIREMENTS FOR PERSONS SELLING, INSTALLING, AND SERVICING 6 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

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.

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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 Section 1. Section 50-39-101, MCA, is amended to read:

21 "50-39-101. Certificate-of--registrationy--permity--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

ane Legislative Council

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-firmshallobtainfrom
5	the-department-a-permit-to-sell-or-a-license-to-install-fire
6	extinguishersyfirealarmsystemsyor-fire-extinguishing
7	systems-prior-to-engaging-in-the-business <u>Each</u> INDIVIDUAL,
8	EXCEPT AN APPRENTICE, EMPLOYED BY THE LICENSEE TO PERFORM
9	SERVICES UNDER THE license must haveseparatedepartment
10	endersementsfor OBTAIN FROM THE DEPARTMENT AN ENDORSEMENT
11	TO SERVICE fire extinguishers; OR TO SELL, SERVICE, OR
12	INSTALL:
13	(A) fire alarm systems;
14	(B) special agent fire suppression systems, and; OR
15	(C) fire extinguishing systems.
16	(2) The license and endorsement or endorsements must be
17	prominently displayed at the business premises, and copies
18	must be carried by the person supervising CONDUCTING each
19	installation or servicing and must be shown to anyone
20	requesting to see them.
21	(3) It is a misdemeanor to knowingly or purposely
22	service a fire extinguisher or sell, service, or install a
23	fire alarm system, special agent fire suppression system, or
24	fire extinguishing system without a THE REQUIRED license and
25	endorsement."

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HB 222 SECOND READING

HB 0222/02

Section 2. Section 50-39-102, MCA, is amended to read: 1 "50-39-102. Application for certificatey--permity--and 2 license and endorsements. (1) Applications An application 3 for licensesy-permitsy-or-certificates a license and any endorsements must be made on a form prescribed by the 5 department of justice. 6

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

(a) submits satisfactory proof that he the applicant is 9 10 properly equipped and staffed to provide the sales or 11 services to be licensed and endorsed and--who-pays-the required-fee; AND 12

13 (3)(b) The-department--shall--issue--a--certificate--of 14 registration--to--an-applicant-who scores-a-passing-grade-on an-examination-devised or-approved by--the--department, and 15 16 who-pays-the-required-feet

17 tc) submits satisfactory proof that the applicant is insured to engage in the business covered by the license and 18 19 endorsement or endorsements.

(4)--The-department-shall-issue-a--sales--permit--to--an 20 21 applicant--who--submits--the--information--required--by--the department-on-the-application-form; who-submits-satisfactory 22 23 proof--that--he--deals--only--in--equipment--that--meets-the standards-and-regulations-of-the-departmenty--and--who--pays 24

25 the-required-feet

-3-

HB 222

1	(3) THE DEPARTMENT SHALL:
2	(A) ISSUE AN ENDORSEMENT TO AN APPLICANT WHO SCORES A
3	PASSING GRADE ON AN EXAMINATION DEVISED OR APPROVED BY THE
4	DEPARTMENT; AND
5	(B) ANNUALLY RENEW THE ENDORSEMENT UPON PAYMENT OF THE
6	ENDORSEMENT FEE AND SUBMISSION OF SATISFACTORY PROOF THAT
7	THE ENDORSEE HAS COMPLETED CONTINUING EDUCATION, TRAINING,
8	OR TESTING REQUIRED BY THE DEPARTMENT."
9	Section 3. Section 50-39-103, MCA, is amended to read:
10	"50-39-103. Inspections, and examinations, and hearings
11	authorized. The department of justice may conduct
12	inspections, examinations, or hearings prior-to-the-issuance
13	oflicensesypermitsyorcertificates to determine an
14	applicant's gualifications."
15	Section 4. Section 50-39-104, MCA, is amended to read:
16	*50-39-104. Revocationsandsuspensionsauthorized
17	Violations and penalties. The department of justice may
18	deny, revoke, suspend, or refuse to issue renew a license,
19	permity-or-certificate or endorsement for falsification of
20	an application or for a violation of the-provisions-of this
21	part or any-rules a rule promulgated by the department under
22	applicable-law [section 6]."
23	Section 5. Section 50-39-105, MCA, is amended to read:
24	"50-39-105. Frees. (1) The-department-ofjusticeshall
25	

25 charge--a--fee--for-the-inspection-and-issuance-of-licenses,

-4-

1.	permitsy-and-certificatesThe-fee-may-notexceed\$50for
2	eachlicenseypermityorcertificateissued There is an
3	angual \$300 license fee.
4	(2) There is an annual \$250 fee for each endorsement
5	required by 50-39-101-, AS FOLLOWS:
6	(A) \$100 TO SERVICE FIRE EXTINGUISHERS;
7	(B) \$175 TO SELL, SERVICE, OR INSTALL FIRE ALARM
8	SYSTEMS;
9	(C) \$175 TO SELL, SERVICE, OR INSTALL SPECIAL AGENT
10	FIRE SUPPRESSION SYSTEMS; AND
11	(D) \$175 TO SELL, SERVICE, OR INSTALL FIRE
12	EXTINGUISHING SYSTEMS.
13	(3) The fees may not be prorated. In the year of first
14	application, there is an additional fee equal to the cost of
15	processing the application.
16	(2) All <u>The-department-of-justice-may-retainthe</u> fees
17	collectedunderthis-section must-be-paid-into-the-general
18	fund and-use-the-money-to-administer-this-part:"
19	NEW SECTION. Section 6. Rulemaking authority. The
20	department of justice may adopt rules to implement this
21	part.
22	NEW SECTION. SECTION 7. DEPOSIT OF FEES. THE FEES
23	COLLECTED UNDER 50-39-105 MUST BE DEPOSITED IN AN ACCOUNT IN
24	THE STATE SPECIAL REVENUE FUND TO THE CREDIT OF THE
25	DEPARTMENT OF JUSTICE AND APPROPRIATED TO THE DEPARTMENT TO
	-5- HB 222

1	ADMINISTER [THIS ACT].
2	NEW SECTION, SECTION 8. COORDINATION INSTRUCTION. IF
3	HOUSE BILL NO. 207 IS PASSED AND APPROVED AND IF IT CREATES
4	A STATE SPECIAL REVENUE ACCOUNT TO FUND THE FIRE PREVENTION
5	AND INVESTIGATION ACTIVITIES OF THE DEPARTMENT OF JUSTICE,
6	THEN [SECTION 7 OF THIS ACT] IS VOID AND THE FEES COLLECTED
7	UNDER 50-39-105, AS AMENDED BY [THIS ACT], MUST BE DEPOSITED
8	IN THE SPECIAL REVENUE ACCOUNT CREATED BY HOUSE BILL NO.
9	207.
10	NEW SECTION. Section 9. Codification instruction.
11	<pre>{Section6}is [SECTIONS 6 AND 7] ARE intended to be</pre>
12	codified as an integral part of Title 50, chapter 39, part
13	1, and the provisions of Title 50, chapter 39, part 1, apply
14	to fsection-6; [SECTIONS 6 AND 7].
15	NEW SECTION. Section 10. Applicability. Licenses

- 16 issued under 50-39-101 through 50-39-105 before October 1,
- 17 1993, expire on December 31, 1993, after which those holding
- 18 such licenses are subject to the provisions of [this act].

-End-

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HB 0222/02

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HOUSE BILL NO. 222	l fire extinguish	ersy <u>or</u>
INTRODUCED BY STANFORD, SAYLES, CHRISTIAENS	2 <u>selling</u> , servic	ing, or
BY REQUEST OF THE DEPARTMENT OF JUSTICE	3 <u>special agent</u>	fire
	4 extinguishing sy	stems. A-j
A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LICENSURE	5 the-department-a	-permit-t
REQUIREMENTS FOR PERSONS SELLING, INSTALLING, AND SERVICING	6 extinguishersy	fireaia
FIRE PROTECTION EQUIPMENT: AMENDING SECTIONS 50-39-101,	7 systems-prior-to	-engaging
50-39-102, 50-39-103, 50-39-104, AND 50-39-105, NCA; AND	8 <u>Except an Appr</u>	ENTICE,
PROVIDING AN APPLICABILITY DATE."	9 SERVICES UNDER T	HE licens
	10 <u>endorsementsfo</u>	T OBTAIN
STATEMENT OF INTENT	11 TO SERVICE fire	extingui
A statement of intent is required for this bill because	12 INSTALL:	
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before engaging in the business of servicing orinstalling		



before engaging in the business of installing fire alarm systems, suppression systems, or fire person-or-firm--shall--obtain--from o-sell-or-a-license-to-install-fire rm--systemsy--or-fire-extinguishing -in-the-businessy Each INDIVIDUAL, EMPLOYED BY THE LICENSEE TO PERFORM e must have--separate--department FROM THE DEPARTMENT AN ENDORSEMENT shers, OR TO SELL, SERVICE, OR msy; re suppression systems, and; OR ng systems. endorsement or endorsements must be t the business premises, and copies

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-2-

HB 222

THIRD READING

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17	Violations and penalties. The department of justice may
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-4-

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7	(B) \$175 TO SELL, SERVICE, OR INSTALL FIRE ALARM
8	SYSTEMS;
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10	PIRE SUPPRESSION SYSTEMS; AND
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17	collectedunderthis-section must-be-paid-into-the-general
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	-5- HB 222

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5	AND INVESTIGATION ACTIVITIES OF THE DEPARTMENT OF JUSTICE,
6	THEN [SECTION 7 OF THIS ACT] IS VOID AND THE FEES COLLECTED
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9	207.
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17	1993, expire on December 31, 1993, after which those holding

18 such licenses are subject to the provisions of [this act].

-End-

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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 Lynch, Chair

That such amendments read:

1. Page 2, line 11.
Strike: "TO SERVICE fire extinguishers; OR"

2. Page 5, line 3. Strike: "<u>\$300</u>" 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: "<u>\$175</u>" Insert: "\$100"

6. Page 5, line 11.
Strike: "\$175"
Insert: "\$100"

-END-

M → Amd. Coord. M√ Sec. of Senate

Senator Carrying Bill

SENATE H B 212 611747SC.Sma

March 20, 1993 8:32 am

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

ADOPT

REJECT

Signed

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: "<u>(B) \$175</u>" Renumber: subsequent subsections

5. Page 5, line 9. Strike: "<u>\$175</u>" Insert: "<u>\$100</u>"

6. Page 5, line 11.
Strike: "\$175"
Insert: "\$100"

-END-

HB 222 SENATE r630831CW.Sma

 \mathfrak{M} Amd. Coord.

53rd Legislature

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1	HOUSE BILL NO. 222	1	fire extinguishers, or before engaging in the business of
2	INTRODUCED BY STANFORD, SAYLES, CHRISTIAENS	2	selling, servicing, or installing fire alarm systems,
3	BY REQUEST OF THE DEPARTMENT OF JUSTICE	3	special agent fire suppression systems, or fire
4		4	extinguishing systems. A-person-or-firmshallobtainfrom
5	A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LICENSURE	5	the-department-a-permit-to-sell-or-a-license-to-install-fire
6	REQUIREMENTS FOR PERSONS SELLING, INSTALLING, AND SERVICING	6	extinguishers,firealarmsystems,or-fire-extinguishing
7	FIRE PROTECTION EQUIPMENT; AMENDING SECTIONS 50-39-101,	7	systems-prior-to-engaging-in-the-business; Each INDIVIDUAL,
8	50-39-102, 50-39-103, 50-39-104, AND 50-39-105, MCA; AND	8	EXCEPT AN APPRENTICE, EMPLOYED BY THE LICENSEE TO PERFORM
9	PROVIDING AN APPLICABILITY DATE."	9	SERVICES UNDER THE license must haveseparatedepartment
10		10	endorsementsfor OBTAIN FROM THE DEPARTMENT AN ENDORSEMENT
11	STATEMENT OF INTENT	11	TO-SERVICE fireextinguishers, OR TO SELL, SERVICE, OR
12	A statement of intent is required for this bill because	12	INSTALL:
13	the bill gives the department of justice authority to adopt	13	(A) fire alarm systems;
14	administrative rules. The rules should provide for the use	14	(B) special agent fire suppression systems τ -and; OR
15	of current industry testing procedures and ensure that	15	(C) fire extinguishing systems.
16	consumers receive safe and effective fire protection	16	(2) The license and endorsement or endorsements must be
17	equipment.	17	prominently displayed at the business premises, and copies
18		18	must be carried by the person supervising CONDUCTING each
19	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	19	installation or servicing and must be shown to anyone
20	Section 1. Section 50-39-101, MCA, is amended to read:	20	requesting to see them.
21	*50-39-101. Certificate-ofregistration;permit;and	21	(3) It is a misdemeanor to knowingly or purposely
22	license License and endorsements required. (1) A natural	22	service a fire extinguisher or sell, service, or install a
23	person shall or entity shall obtain a certificateof	23	fire alarm system, special agent fire suppression system, or
23	registration license from the department of justice prior-to	24	fire extinguishing system without a THE REQUIRED license and
25	before engaging in the business of servicing orinstalling	25	endorsement."

Montana Legislative Council

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HB 222 REFERENCE BILL

AS AMENDED

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Section 2. Section 50-39-102, MCA, is amended to read:
 *50-39-102. Application for certificater--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.

7 (2) The department shall <u>annually</u> issue a license <u>and</u>
8 endorsement to an applicant who:

9 (a) submits satisfactory proof that he <u>the applicant</u> is
10 properly equipped and staffed to provide the <u>sales or</u>
11 services to be licensed <u>and endorsed</u> and-who-pays-the
12 required-fee:; AND

13 (3)(b) The-department--shall--issue--a--certificate--of 14 registration--to--an-applicant-who scores-a-passing-grade-on 15 an-examination-devised <u>or-approved</u> by--the--department<u>7</u> and 16 who-pays-the-required-feet

17 (e) submits satisfactory proof that the applicant is 18 insured to engage in the business covered by the license and

19 endorsement or endorsements.

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

1	(3) THE DEPARTMENT SHALL:
2	(A) ISSUE AN ENDORSEMENT TO AN APPLICANT WHO SCORES A
3	PASSING GRADE ON AN EXAMINATION DEVISED OR APPROVED BY THE
4	DEPARTMENT; AND
5	(B) ANNUALLY RENEW THE ENDORSEMENT UPON PAYMENT OF THE
6	ENDORSEMENT FEE AND SUBMISSION OF SATISFACTORY PROOF THAT
7	THE ENDORSEE HAS COMPLETED CONTINUING EDUCATION, TRAINING,
8	OR TESTING REQUIRED BY THE DEPARTMENT."
9	Section 3. Section 50-39-103, MCA, is amended to read:
10	"50-39-103. Inspections, and examinations, and hearings
11	authorized. The department of justice may conduct
12	inspections, examinations, or hearings prior-to-the-issuance
13	oflicensesypermitsyorcertificates to_determine_an
14	applicant's gualifications."
15	Section 4. Section 50-39-104, MCA, is amended to read:
16	50-39-104. Revocationsandsuspensionsauthorized
17	Violations and penalties. The department of justice may
18	deny, revoke, suspend, or refuse to issue renew a license,
19	permity-or-certificate or endorsement for falsification of
20	an application or for a violation of the-provisions-of this
21	part or any-rules a rule promulgated by the department under
22	applicable-law [section 6]."
23	Section 5. Section 50-39-105, MCA, is amended to read:
24	*50-39-105. Pees. (1) The-department-ofjusticeshall
25	chargeafeefor-the-inspection-and-issuance-of-licenses;

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1	permits,-and-certificatesThe-fee-may-notexceed\$50for
2	eachlicenseypermityorcertificateissued There is an
3	annual \$300 \$200 license fee.
4	(2) There is an annual \$250 fee for each endorsement
5	required by 50-39-101-, AS FOLLOWS:
6	(A) \$100 TO-SERVICE-FIRE-EXTINGUISHERS;
7	(B)\$175 TO SELL, SERVICE, OR INSTALL FIRE ALARM
8	SYSTEMS;
9	<u>{€}(B)</u> \$±75 \$100 TO SELL, SERVICE, OR INSTALL SPECIAL
10	AGENT FIRE SUPPRESSION SYSTEMS; AND
11	(B)(C) \$175 \$100 TO SELL, SERVICE, OR INSTALL FIRE
12	EXTINGUISHING SYSTEMS.
13	(3) The fees may not be prorated. In the year of first
14	application, there is an additional fee equal to the cost of
15	processing the application.
16	(2)All The-department-of-justice-may-retainthe fees
17	collectedunderthis-section must-be-paid-into-the-general
18	fund and-use-the-money-to-administer-this-part-"
19	NEW SECTION. Section 6. Rulemaking authority. The
20	department of justice may adopt rules to implement this
21	part.
22	NEW SECTION. SECTION 7. DEPOSIT OF FEES. THE FEES
23	COLLECTED UNDER 50-39-105 MUST BE DEPOSITED IN AN ACCOUNT IN
24	THE STATE SPECIAL REVENUE FUND TO THE CREDIT OF THE
25	DEPARTMENT OF JUSTICE AND APPROPRIATED TO THE DEPARTMENT TO
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1	ADMINISTER [THIS ACT].
2	NEW SECTION. SECTION 8. COORDINATION INSTRUCTION. IF
3	HOUSE BILL NO. 207 IS PASSED AND APPROVED AND IF IT CREATES
4	A STATE SPECIAL REVENUE ACCOUNT TO FUND THE FIRE PREVENTION
5	AND INVESTIGATION ACTIVITIES OF THE DEPARTMENT OF JUSTICE,
6	THEN [SECTION 7 OF THIS ACT] IS VOID AND THE FEES COLLECTED
7	UNDER 50-39-105, AS AMENDED BY [THIS ACT], MUST BE DEPOSITED
8	IN THE SPECIAL REVENUE ACCOUNT CREATED BY HOUSE BILL NO.
9	207.
10	NEW SECTION. Section 9. Codification instruction.
11	<pre>{Section6}is [SECTIONS 6 AND 7] ARE intended to be</pre>
12	codified as an integral part of Title 50, chapter 39, part
13	1, and the provisions of Title 50, chapter 39, part 1, apply
14	to {section-6} [SECTIONS 6 AND 7].
15	NEW SECTION. Section 10. Applicability. Licenses
16	issued under 50-39-101 through 50-39-105 before October 1,
17	1993, expire on December 31, 1993, after which those holding

18 such licenses are subject to the provisions of [this act].

-End-

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