

House BILL NO. 223

INTRODUCED BY

*Wright*

A BILL FOR AN ACT ENTITLED: "AN ACT EXEMPTING A PERSON WHO PROVIDES INVESTIGATIVE SERVICES TO CERTAIN DEFENDANTS IN FEDERAL DISTRICT COURT PROCEEDINGS FROM OCCUPATIONAL LICENSURE UNDER STATE LAW; AND AMENDING SECTION 37-60-105, MCA."

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

**Section 1.** Section 37-60-105, MCA, is amended to read:

**"37-60-105. Exemptions.** This chapter does not apply to:

(1) (a) ~~any one~~ a person employed singly and exclusively by ~~any~~ one employer in connection with the affairs of ~~such the~~ employer only and ~~where~~ if there exists an employer-employee relationship and the employee is unarmed, does not wear a uniform, and is guarding inside a structure ~~which~~ that at the time is not open to the public;

(b) a person:

(i) employed singly and exclusively by a retail merchant;

(ii) performing at least some ~~of his~~ work for the retail merchant as a private security guard; and

(iii) who has received training as a private security guard from the employer or at the employer's direction;

(2) an officer or employee of the United States ~~of America~~ or of this state or a political subdivision ~~thereof~~ of the United States or this state while ~~such the~~ officer or employee is engaged in the performance of ~~his~~ official duties;

(3) a person engaged exclusively in the business of obtaining and furnishing information as to the financial rating of persons or as to the personal habits and financial responsibility of applicants for insurance, indemnity bonds, or commercial credit;

(4) (a) an attorney at law ~~in~~ while performing ~~his~~ duties as an attorney at law;

(b) a legal intern, paralegal, or legal assistant employed by one or more lawyers, law offices, governmental agencies, or other entities; or

(c) a law student who is serving a legal internship;

1 (5) a collection agency or finance company licensed to do business under the laws of this state,  
 2 or an employee ~~thereof~~ of the agency or company while acting within the scope of ~~his~~ employment, while  
 3 making an investigation incidental to the business of the agency or company, including an investigation of  
 4 the location of a debtor or ~~his~~ the debtor's property ~~where~~ when the contract with an assignor creditor is  
 5 for the collection of claims owed or due or asserted to be owed or due or the equivalent thereof;

6 (6) special agents employed by railroad companies, ~~provided~~ when the railroad company notifies  
 7 the board that ~~such~~ the agents are operating in the state;

8 (7) insurers and insurance producers and insurance brokers licensed by the state, while performing  
 9 duties in connection with insurance transacted by them;

10 (8) an insurance adjuster, as defined by 37-60-101(10); ~~or~~

11 (9) an internal investigator or auditor, while making an investigation incidental to the business of  
 12 the agency or company by which ~~he~~ the investigator or auditor is singularly and regularly employed; or

13 (10) a person providing investigative services for the United States district court for the district of  
 14 Montana under the plan required by 18 U.S.C. 3006A."

15 -END-