

SENATE BILL NO. 164

INTRODUCED BY



A BILL FOR AN ACT ENTITLED: "AN ACT REMOVING STATE IMPEDIMENTS TO THE MUNICIPAL LICENSURE OF BUSINESSES; AMENDING SECTIONS 37-3-308, 37-3-313, 37-4-307, 37-4-406, 37-30-307, AND 37-31-323, MCA; AND REPEALING SECTIONS 37-12-309, 37-15-311, 37-18-313, 37-51-312, AND 37-67-304, MCA."

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

Section 1. Section 37-3-308, MCA, is amended to read:

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

(2) All applicants, including applicants for a temporary license, shall pay an initial application fee as prescribed by the board.

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

Section 2. Section 37-3-313, MCA, is amended to read:

"37-3-313. Annual registration fees -- failure to pay -- limiting authority to impose registration fees. (1) In addition to the license fees required of applicants, a licensed physician actively practicing medicine in this state shall pay each year to the department an annual registration fee as prescribed by the board. If a person licensed to practice medicine ~~absents himself~~ is absent from the state for a period of 1 or more years or does not engage in active practice in this state, ~~he~~ the person may continue ~~his~~ the license in good standing by payment each year of a fee prescribed by the board or, at the discretion of the board, ~~he~~ the person may be reinstated on the payment of a fee prescribed by the board for each year of absence or inactive practice.

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

4 (3) In case of default in the payment of the annual registration fee by a person licensed to practice
5 medicine who is actively practicing medicine in this state, ~~his~~ the person's underlying certificate to practice
6 medicine may be revoked by the board on 30 days' notice given to the delinquent of the time and place
7 of considering the revocation. A ~~registered~~ or certified letter addressed to the last-known address of the
8 person failing to comply with the requirements of annual registration, as the address appears on the records
9 of the department, constitutes sufficient notice of intention to revoke ~~his~~ the underlying certificate. ~~No~~ A
10 certificate may not be revoked for nonpayment if the person authorized to practice medicine, and notified,
11 pays the annual registration fee before or at the time fixed for consideration of revocation, together with
12 a delinquency penalty prescribed by the board. The department may collect the dues by an action at law.

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

15

16 **Section 3.** Section 37-4-307, MCA, is amended to read:

17 "**37-4-307. Annual renewal fee -- default -- active, inactive status -- continuing education** ~~—local~~
18 ~~fees prohibited.~~ (1) ~~Every~~ Each licensed dentist shall pay each year a renewal fee to the board. The renewal
19 fee must be set by the board commensurate with costs. Notice of the change in the amount of renewal fees
20 must be given to each dentist registered in this state by the department.

21 (2) Payment of the annual renewal fee must be made prior to March 1 of each year, and a license
22 renewal must be issued by the department. A reasonable late fee is required if the annual renewal fee is
23 not paid before March 1.

24 (3) The board may adopt rules governing requirements for demonstrating continued competency
25 for license renewal.

26 (4) (a) The board may reclassify an active status license to inactive status for a licensee who
27 furnishes satisfactory evidence that the licensee has discontinued the actual practice of dentistry because
28 of physical disability or retirement.

29 (b) An individual who wishes to maintain a Montana license but does not maintain a resident
30 practice must be licensed in the inactive status.

1 (c) Application to convert an inactive status license to an active status license must be made in
 2 accordance with rules of the board. The application to convert to active status must accompany the
 3 submission of the renewal fee prescribed for such license. If more than 1 year has passed since the license
 4 was inactivated, satisfactory evidence of competence must be submitted to the board before an active
 5 status license may be issued.

6 (5) (a) In case of default in payment of the annual renewal fee by a licensee, ~~his~~ the license must
 7 be revoked by the board. The board shall give the licensee 30 days' notice of its proposed revocation
 8 action. The notice must be sent by certified letter addressed to the last-known address of the licensee and
 9 must contain a statement of the time and place of the meeting at which the revocation will be considered.

10 (b) If the licensee pays the renewal fee, plus a reasonable late fee set by the board, prior to the
 11 time set for revocation, the license may not be revoked.

12 (c) A license revoked for nonpayment of the renewal fee may be reinstated within 5 years of
 13 revocation if:

- 14 (i) renewal fees are paid for each year they were unpaid, plus a late penalty fee for each year;
- 15 (ii) the applicant produces evidence, satisfactory to the board, of good standing with the dentistry
 16 regulatory agencies of any jurisdiction in which the applicant has engaged in the active practice of dentistry
 17 since the last payment of a renewal fee under this chapter; and
- 18 (iii) the applicant produces evidence, satisfactory to the board, of good character and competence.

19 (6) ~~Every~~ Each dentist shall give the board notice of any change in name, address, or status within
 20 30 days of the change.

21 ~~(7) No unit of local government, including those exercising self government powers, may impose~~
 22 ~~a license fee on a dentist licensed under this chapter."~~

23
 24 **Section 4.** Section 37-4-406, MCA, is amended to read:

25 **"37-4-406. Annual renewal fee -- default -- active, inactive status -- continuing education --**
 26 **revocation of license --~~local fees prohibited.~~** (1) ~~Every~~ Each licensed dental hygienist shall pay each year
 27 a renewal fee to the board. The renewal fee must be set by the board commensurate with costs. The
 28 renewal must be for either active or inactive status, as defined by rules of the board.

29 (2) Payment of the annual renewal fee must be made prior to March 1 of each year, and a license
 30 renewal must be issued by the department. A reasonable late fee is required if the annual renewal fee is

1 not paid before March 1.

2 (3) The board may adopt rules governing requirements for demonstrating continued competency
3 for license renewal.

4 (4) (a) The board may reclassify an active status license to inactive status for a licensee who
5 furnishes satisfactory evidence that the licensee has discontinued the actual practice of dental hygiene
6 because of physical disability or retirement.

7 (b) An individual who wishes to maintain a Montana license but does not maintain a resident
8 practice must be licensed in the inactive status.

9 (c) Application to convert an inactive status license to an active status license must be made in
10 accordance with rules of the board. The application to convert to active status must accompany the
11 submission of the renewal fee prescribed for ~~such~~ the license. If more than 1 year has passed since the
12 license was inactivated, satisfactory evidence of competence must be submitted to the board before an
13 active status license may be issued.

14 (5) In case of default in payment of the renewal fee by any licensee, the board must revoke the
15 license.

16 (a) The board shall give the licensee 30 days' notice of its proposed revocation action. The notice
17 must be sent by certified mail to the last-known address of the licensee and must contain a statement of
18 the time and place of the meeting at which the revocation will be considered.

19 (b) The payment of the renewal fee on or before the time set for revocation, with a reasonable late
20 fee set by the board, excuses the default.

21 (c) A license revoked for nonpayment of the renewal fee may be reinstated within 5 years of
22 revocation if:

23 (i) renewal fees are paid for each year they were unpaid, plus a late penalty for each year;

24 (ii) the applicant produces evidence, satisfactory to the board, of good standing with the dental
25 hygiene regulatory agencies of any jurisdiction in which the applicant has engaged in the active practice
26 of dental hygiene since the last payment of a renewal fee under this chapter; and

27 (iii) the applicant produces evidence, satisfactory to the board, of good character and competence.

28 (6) ~~Every~~ Each dental hygienist shall give the board notice of any change in name, address, or
29 status within 30 days of the change.

30 (7) The board may, after a hearing, revoke or suspend the license of a dental hygienist for violating

1 this chapter.

2 ~~(8) No unit of local government, including those exercising self government powers, may impose~~
3 ~~a license fee on a dental hygienist licensed under this chapter."~~

4
5 **Section 5.** Section 37-30-307, MCA, is amended to read:

6 **"37-30-307. Fees -- handicapped persons exempted -- other fees prohibited.** (1) The fee to be paid
7 by an applicant for an examination to determine ~~his~~ the applicant's fitness to receive a certificate of
8 registration to practice barbering and for the issuance of the certificate ~~shall~~ must be prescribed by the
9 board.

10 (2) A person registered as a barber shall, before the expiration date established by rule of the
11 department, annually pay a license fee, set by the board based on clerical and administrative costs, for the
12 renewal of ~~his~~ a certificate of registration. If a barber fails to have the certificate renewed before the
13 expiration date, the barber shall on renewal of the certificate of registration pay a penalty prescribed by the
14 board in addition to the regular renewal fee. If a certificate of registration is not renewed within 1 year after
15 the date of expiration, the barber is not entitled to have the certificate of registration renewed or a new
16 certificate of registration issued without first applying for and taking the examination and paying the fees
17 provided for in this section.

18 (3) However, physically handicapped persons trained for the barber profession by the department
19 of social and rehabilitation services and certified by that department as having graduated from a barber
20 college licensed by the board are not required to pay fees and are for a period of 1 year immediately
21 following their training exempt from all except the sanitary provisions of this chapter.

22 ~~(4) No other or additional license or fee may be imposed on barbers by a municipality or other~~
23 ~~subdivision of this state."~~

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25 **Section 6.** Section 37-31-323, MCA, is amended to read:

26 **"37-31-323. Fees.** (1) Fees for licenses and certificates of registration ~~shall~~ must be paid to the
27 department in amounts prescribed by the board.

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

30 ~~(3) No other or additional license or registration fee may be imposed by a municipal corporation~~

1 ~~or other political subdivision of this state for the practice or teaching of cosmetology."~~

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3 NEW SECTION. Section 7. Repealer. Sections 37-12-309, 37-15-311, 37-18-313, 37-51-312, and
4 37-67-304, MCA, are repealed.

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