

## 1 HOUSE BILL NO. 160

2 INTRODUCED BY TASH

3 BY REQUEST OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY  
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING ADMINISTRATIVE ENFORCEMENT FOR VIOLATIONS  
6 OF THE JUNK VEHICLE AND MOTOR VEHICLE WRECKING FACILITY LAWS; AUTHORIZING FACILITY  
7 LICENSE SUSPENSION OR DENIAL FOR VIOLATION OF AN ORDER; AUTHORIZING FACILITY LICENSE  
8 REVOCATION FOR VIOLATION OF A SUSPENSION ORDER; AMENDING SECTION 75-10-514, MCA; AND  
9 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
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13 **NEW SECTION. Section 1. Administrative enforcement.** (1) When the department determines that  
14 a violation of this part, a violation of a rule adopted under this part, or a violation of a license provision has  
15 occurred, it may serve written notice of the violation on the alleged violator or the violator's agent. The  
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19 requests, in writing, a hearing before the board. On receipt of the request for a hearing, the board shall  
20 schedule a hearing. Service by mail is complete on the date of mailing.

21 (2) If, after a hearing held under subsection (1), the board finds that a violation has occurred, it  
22 shall either affirm or change the department's order. An order may prescribe the date by which the  
23 violation must cease and may prescribe time limits for particular action. If, after a hearing, the board finds  
24 that a violation has not occurred, it shall rescind the department's order.

25 (3) This section does not prevent the board or department from making efforts to obtain voluntary  
26 compliance through warning, conference, or any other appropriate means.  
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28 **Section 2.** Section 75-10-514, MCA, is amended to read:

29 **"75-10-514. Denial, suspension, or revocation of license -- grounds.** (1) The department may  
30 deny, or suspend, or revoke a motor vehicle wrecking facility's license ~~when it proves the business on any~~

1 of the following grounds:

2 ~~(1)(a)~~ The applicant or licensee sold or otherwise disposed of a motor vehicle, trailer, or any part  
3 ~~thereof~~ of a motor vehicle or trailer when it knew the vehicle or part was stolen or was appropriated  
4 without the consent of the owner;\_

5 ~~(2)~~ (b) The applicant or licensee committed forgery on a certificate of title covering a vehicle that  
6 has been reassembled from parts obtained from the disassembling of other vehicles;\_

7 ~~(3)~~ (c) The applicant or licensee committed any illegal act or omission ~~which~~ that has caused loss  
8 as the result of a sale of a motor vehicle, trailer, or part ~~thereof~~ of a motor vehicle or trailer.

9 ~~(4)~~ (d) The applicant or licensee failed to comply with this part or with a rule of the department;\_

10 ~~(5)~~ (e) The applicant or licensee obtained a license fraudulently.

11 (2) The department may revoke a motor vehicle wrecking facility's license on the following  
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19 NEW SECTION. Section 3. Codification instruction. [Section 1] is intended to be codified as an  
20 integral part of Title 75, chapter 10, part 5, and the provisions of Title 75, chapter 10, part 5, apply to  
21 [section 1].

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23 NEW SECTION. Section 4. Saving clause. [This act] does not affect rights and duties that  
24 matured, penalties that were incurred, or proceedings that were begun before [the effective date of this  
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27 NEW SECTION. Section 5. Effective date. [This act] is effective on passage and approval.

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