

1 *House* BILL NO. *598* *Bitney* *Mason* *Prezule*
 2 INTRODUCED BY *Cristle* *James* *Quinn* *Squires* *Storal*
 3 *Arland* *Bella* *Krenzier* *Regan* *Barnett* *Booker*

4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE LAWS GOVERNING PROFESSIONAL
 5 AND OCCUPATIONAL LICENSING; PROVIDING APPROPRIATIONS TO FUND COMPLIANCE AND
 6 ENFORCEMENT POSITIONS FOR CERTAIN PROFESSIONAL AND OCCUPATIONAL LICENSURE BOARDS;
 7 ALLOWING BOARD AND DEPARTMENTAL RULES TO PROVIDE FOR VARIATION FROM ANNUAL LICENSE
 8 RENEWAL PERIODS; ALLOWING ELECTRICAL AND PLUMBING APPRENTICES TO TAKE LICENSURE
 9 EXAMINATIONS BEFORE THE APPRENTICESHIPS EXPIRE; AMENDING SECTIONS 23-3-501, 27-6-206,
 10 37-3-301, 37-3-313, 37-4-307, 37-4-326, 37-4-406, 37-6-304, 37-7-303, 37-7-321, 37-7-606, 37-7-703,
 11 37-8-431, 37-9-304, 37-9-305, 37-10-307, 37-11-308, 37-12-307, 37-13-306, 37-14-310, 37-16-407,
 12 37-18-307, 37-19-301, 37-19-304, 37-19-306, 37-20-203, 37-20-302, 37-23-203, 37-23-205,
 13 37-25-307, 37-27-205, 37-29-304, 37-29-306, 37-30-310, 37-30-423, 37-30-424, 37-31-302,
 14 37-32-305, 37-40-203, 37-40-304, 37-50-203, 37-50-314, 37-50-317, 37-51-310, 37-51-603,
 15 37-65-306, 37-66-307, 37-68-303, 37-68-307, 37-68-310, 37-69-302, 37-69-306, 37-69-307,
 16 37-72-306, 50-39-102, 50-74-313, AND 50-76-105, MCA; AND PROVIDING AN EFFECTIVE DATE."

18 WHEREAS, the Legislature finds that delays in licensing board responses to complaints of
 19 misconduct by licensees and unlicensed practice that result in frustration on behalf of the public, licensees,
 20 and boards is caused by a lack of personnel to assist with compliance issues; and

21 WHEREAS, licensing boards collect and accumulate sufficient funds from the fees charged to
 22 licensees to meet the cost of compliance and enforcement personnel, but these same boards often lack the
 23 authority to expend the funds that they collect; and

24 WHEREAS, the delayed processing and the accumulating complaint backlog have a deleterious
 25 effect on the productivity and reputation of the licensees; and

26 WHEREAS, a uniformly flexible approach to license renewal scheduling would also reduce frustration
 27 on the part of licensees and the public that they serve; and

28 WHEREAS, inflexible examination dates for license applicants in the plumbing and electrical fields
 29 have caused undue hardship with no discernable public benefit; and

30 WHEREAS, the Committee on Business and Labor desires to alleviate these and other related



1 problems by appropriating funds for certain professional and occupational boards that need additional
2 compliance specialists, by allowing boards or the Department of Commerce to establish license renewal
3 dates by rule, and by allowing electrical and plumbing apprentices to take the examination required for
4 licensure before the apprenticeships expire.

5

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

7

8 **NEW SECTION. Section 1. Appropriation.** (1) There is appropriated to the department of commerce
9 for fiscal years 1998 and 1999 the amount specified in subsection (3). The amounts appropriated are for
10 the purpose of hiring investigators, attorneys, and support staff whose services will be devoted to
11 processing complaints and ensuring compliance with state laws and administrative rules promulgated by
12 the boards identified in subsection (3). The appropriated funds are intended to assist boards to fulfill the
13 duties set forth in 37-1-131 and must be appropriated from the accounts in the state special revenue fund
14 into which fees from certain licensees are deposited.

15 (2) The appropriations in subsection (3) are contingent on the availability of funds as specified in
16 subsection (3) on or after [the effective date of this act].

17 (3) Funds are appropriated for the purposes outlined in subsection (1) in the following amounts and
18 for the specified boards as follows:

19 (a) up to \$144,126 from money deposited in the state special revenue fund pursuant to 37-51-208.
20 The appropriation may be used only for an investigator and an administrative support position for the board
21 of realty regulation provided for in 2-15-1867;

22 (b) up to \$144,126 from money deposited in the state special revenue fund pursuant to 37-68-313
23 and 37-69-308, in proportions determined by the department. The appropriation may be used only for an
24 investigator and administrative support to be shared by the state electrical board provided for in 2-15-1874
25 and the board of plumbers established in 2-15-1875;

26 (c) up to \$175,510 from money deposited in the state special revenue fund pursuant to 37-8-432.
27 The appropriation may be used only for an attorney and a nurse, both of whom will serve as compliance
28 officers for the board of nursing provided for in 2-15-1844;

29 (d) up to \$94,464 from money deposited in the state special revenue fund pursuant to 37-3-314.
30 The appropriation may be used only for an attorney for the board of medical examiners provided for in

1 2-15-1841;

2 (e) up to \$87,046 from money deposited in the state special revenue fund pursuant to 37-67-317.
3 The appropriation may be used only for an investigator for the board of professional engineers and land
4 surveyors provided for in 2-15-1873; and

5 (f) up to \$184,816 from the pooled funds provided to the department by the boards in accordance
6 with the provisions of 37-1-131. The appropriation may be used only for an investigator and an attorney
7 for the purpose of fulfilling the of the department of commerce duties under 37-1-101.

8 (4) The appropriations in subsection (3) are biennial appropriations.

9

10 **Section 2.** Section 23-3-501, MCA, is amended to read:

11 "**23-3-501. Licenses -- fees.** (1) The board may issue ~~an annual~~ a renewable license to a
12 professional or semiprofessional boxing or wrestling promoter, whether an individual or organization, for
13 the sole purpose of conducting professional or semiprofessional matches or exhibitions.

14 (2) The board may issue ~~annual~~ renewable licenses to qualified referees, managers, boxers,
15 wrestlers, seconds, trainers, and judges.

16 (3) A license issued in accordance with subsections (1) and (2) expires on the date set by
17 department rule and may be renewed upon payment of a fee set by the board.

18 ~~(3)(4)~~ Each application for ~~an original~~ a license under this section ~~or renewal of a license~~ must be
19 accompanied by a fee set by the board, commensurate with costs related to the particular license as
20 provided in 37-1-134."

21

22 **Section 3.** Section 27-6-206, MCA, is amended to read:

23 "**27-6-206. Funding.** (1) There is a pretrial review fund to be administered by the director
24 exclusively for the purposes stated in this chapter. The fund and any income from it must be held in trust,
25 deposited in an account, and invested and reinvested by the director with the prior approval of the director
26 of the Montana medical association. The fund may not become a part of or revert to the general fund of
27 this state but is open to auditing by the legislative auditor.

28 (2) To create the fund, ~~an annual~~ a surcharge must be levied on all health care providers. The
29 amount of the assessment must be set annually by the director and must be apportioned among physicians,
30 dentists, hospitals, and other health care providers by group. For the group of all physicians, the group of

1 all dentists, the group of all hospitals, and the group of all other health care facilities, the amount of the
 2 assessment must be proportionate to the respective percentage of total health care providers brought
 3 before the panel that each group constitutes. The total number and group of health care providers brought
 4 before the panel must be determined from the annual report of the panel for the years preceding the year
 5 of assessment. The amount of the assessment for the group of all hospitals must be proportionately
 6 assessed against each hospital on the basis of each hospital's total number of licensed hospital beds,
 7 whether used or not, as reflected in the most recent compilation of the department of public health and
 8 human services. The amount of the assessment for the group of all physicians must be equally assessed
 9 against all physicians. The amount of the assessment for the group of all dentists must be equally assessed
 10 against all dentists. The amount of the assessment for the group of all other health care facilities must be
 11 equally assessed against all other health care facilities. Surplus funds, if any, above the amount required
 12 for the annual administration of the chapter must be retained by the director and used to finance the
 13 administration of this chapter in succeeding years, in which event the director shall reduce the annual
 14 assessment in subsequent years, commensurate with the proper administration of this chapter.

15 (3) The ~~annual~~ surcharge must be assessed on an annual basis and must be paid on or before the
 16 date that physicians' and dentists' ~~annual~~ registration or renewal fees are due under 37-3-313 and
 17 37-4-307. All unpaid assessments bear a late charge fee equal to the judgment rate of interest. The late
 18 charge fee is part of the ~~annual~~ surcharge. The director has the same powers and duties in connection with
 19 the collection of and failure to pay the ~~annual~~ surcharge as the department of commerce has under
 20 37-3-313 and 37-4-307 in connection with physicians' and dentists' ~~annual~~ registration or renewal fees."

21

22 **Section 4.** Section 37-3-301, MCA, is amended to read:

23 "**37-3-301. License required -- kinds of certificates.** (1) ~~Prior to the issuance of~~ Before being issued
 24 a license, an applicant may not engage in the practice of medicine in this state.

25 (2) The department may issue three forms of certificates of licensure under the board's seal: the
 26 physician's certificate, the restricted certificate, and the temporary certificate. The physician's certificate
 27 and the restricted certificate must be signed by the president, but the temporary certificate may be signed
 28 by any board member. The board shall decide which certificate to issue. These certificates must be
 29 designated as:

30 (a) physician's certificate, which is subject to ~~annual~~ renewable registration in accordance with

1 board rules;

2 (b) restricted certificate; and

3 (c) temporary certificate, which is subject to specifications and limitations imposed by the board."

4

5 **Section 5.** Section 37-3-313, MCA, is amended to read:

6 **"37-3-313. ~~Annual registration~~ Registration fees -- failure to pay -- limiting authority to impose**
7 **registration fees.** (1) In addition to the license fees required of applicants, a licensed physician actively
8 practicing medicine in this state shall pay ~~each year~~ to the department ~~an annual~~ a registration fee as
9 prescribed by the board.

10 (2) The ~~annual~~ payments for registration must be made prior to ~~April 1,~~ the expiration date of the
11 registration, as set forth in a board rule, and a receipt acknowledging payment of the ~~annual~~ registration
12 fee must be issued by the department. The department shall mail registration notices at least 60 days
13 before the registration is due.

14 (3) In case of default in the payment of the ~~annual~~ registration fee by a person licensed to practice
15 medicine who is actively practicing medicine in this state, the underlying certificate to practice medicine
16 may be revoked by the board on 30 days' notice given to the delinquent of the time and place of
17 considering the revocation. A registered or certified letter addressed to the last-known address of the
18 person failing to comply with the requirements of ~~annual~~ registration, as the address appears on the records
19 of the department, constitutes sufficient notice of intention to revoke the underlying certificate. A certificate
20 may not be revoked for nonpayment if the person authorized to practice medicine, and notified, pays the
21 ~~annual~~ registration fee before or at the time fixed for consideration of revocation, together with a
22 delinquency penalty prescribed by the board. The department may collect the dues by an action at law.

23 (4) A registration or license fee may not be imposed on a licensee under this chapter by a
24 municipality or any other subdivision of the state."

25

26 **Section 6.** Section 37-4-307, MCA, is amended to read:

27 **"37-4-307. ~~Annual renewal~~ Renewal fee -- default -- local fees prohibited.** (1) Every licensed
28 dentist shall pay ~~each year~~ a renewal fee to the board. The renewal fee must be set by the board
29 commensurate with costs. Notice of the change in the amount of renewal fees must be given to each
30 dentist registered in this state by the department.

1 (2) Payment of the ~~annual~~ renewal fee must be made ~~each year~~ on or before the license expiration
 2 date set by department rule, and a license renewal must be issued by the department. A reasonable late
 3 fee must be required by the department if the ~~annual~~ renewal fee is not ~~timely~~ paid in a timely manner.

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

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

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

12 (i) renewal fees are paid for each ~~year~~ renewal period they were unpaid, plus a late penalty fee for
 13 each ~~year~~ renewal period;

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

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

18 (4) Each dentist shall give the board notice of any change in name, address, or status within 30
 19 days of the change.

20 (5) A unit of local government, including those exercising self-government powers, may not impose
 21 a license fee on a dentist licensed under this chapter."

22
 23 **Section 7.** Section 37-4-326, MCA, is amended to read:

24 "**37-4-326. Acts constituting misdemeanors.** ~~Any A~~ person, company, or association ~~shall be is~~
 25 guilty of a misdemeanor and upon conviction ~~thereof shall be punishable~~ shall be punished with a fine of
 26 not less than \$50 or more than \$200 or by imprisonment for not more than 6 months in the county jail or
 27 ~~by both such fine and imprisonment who shall~~ if the person, company, or association:

28 (1) ~~sell or barter or offer to sell or barter any~~ sells, barter, or offers to sell or barter a diploma or
 29 document conferring or purporting to confer any dental degree or any certificate or transcript made or
 30 purporting to be made pursuant to the laws regulating the license and regulation of dentists;

1 (2) ~~purchase or procure by barter any such~~ purchases or procures by barter a diploma, certificate,
2 or transcript with the intent that the same shall be used of using the diploma, certificate, or transcript as
3 evidence of the holder's qualification to practice dentistry or in fraud of the laws regulating ~~such~~ dental
4 practice;

5 (3) with fraudulent intent, alter in a material regard ~~any such~~ a diploma, certificate, or transcript;

6 (4) use or attempt to use ~~any such~~ a diploma, certificate, or transcript ~~which~~ that has been
7 purchased, fraudulently issued, counterfeited, or materially altered, either as a license or color of license
8 to practice dentistry or in order to procure registration as a dentist;

9 (5) practice dentistry under a false or assumed name;

10 (6) in an affidavit required of an applicant for examination, license, or registration under this
11 chapter, willfully make a false statement in a material regard;

12 (7) engage in the practice of dentistry under any title or name without causing to be displayed in
13 a conspicuous manner and in a conspicuous place in ~~his or her~~ the office the required ~~annual registration~~
14 certificate for the current ~~year~~ period of licensed practice; or

15 (8) within 10 days after demand made by the secretary of the board, fail to furnish to ~~said~~ the
16 board the names and addresses of all persons practicing or assisting in the practice of dentistry in the office
17 of ~~said~~ the person, company, or association at any time within 60 days prior to ~~said~~ the notice, together
18 with a sworn statement showing under and by what license or authority ~~said~~ the person, company, or
19 association and ~~said~~ the employee are and have been practicing dentistry, but ~~said~~ the affidavit ~~shall~~ may
20 not be used as evidence against ~~said~~ the person, company, or association in any proceeding under this
21 section."
22

23 **Section 8.** Section 37-4-406, MCA, is amended to read:

24 "**37-4-406. ~~Annual renewal~~ Renewal fee -- default -- revocation of license -- local fees prohibited.**

25 (1) Each licensed dental hygienist shall pay ~~each year~~ a renewal fee to the board. The renewal fee must be
26 set by the board commensurate with costs.

27 (2) Payment of the ~~annual~~ renewal fee must be made on or before the license expiration date set
28 by department rule, and a license renewal must be issued by the department. A reasonable late fee must
29 be required if the ~~annual~~ renewal fee is not ~~timely~~ paid in a timely manner.

30 (3) In case of default in payment of the renewal fee by any licensee, the board must revoke the

1 license.

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

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

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

9 (i) renewal fees are paid for each ~~year~~ period they were unpaid, plus a late penalty for each ~~year~~
10 period;

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

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

15 (4) Each dental hygienist shall give the board notice of any change in name, address, or status
16 within 30 days of the change.

17 (5) The board may, after a hearing, revoke or suspend the license of a dental hygienist for violating
18 this chapter.

19 (6) A unit of local government, including those exercising self-government powers, may not impose
20 a license fee on a dental hygienist licensed under this chapter."

21

22 **Section 9.** Section 37-6-304, MCA, is amended to read:

23 **"37-6-304. Designations on license -- recording -- renewal -- display.** (1) A license issued under
24 this chapter is designated as a "registered podiatrist's license" or a "temporary podiatrist's license".

25 (2) Licenses must be recorded by the department the same as other medical licenses.

26 (3) Licenses must be renewed ~~annually~~, on a date set by ~~the~~ department rule.

27 (4) A license renewal fee set by the board must be paid ~~annually~~ on a date set by ~~the~~ department
28 rule.

29 (5) The department shall mail renewal notices no later than 60 days prior to the ~~annual~~ renewal
30 date.

1 (6) If the ~~annual~~ renewal fee is not paid on or before the renewal date, the board may revoke the
2 licensee's certificate after giving 30 days' notice to the licensee. A certified letter addressed to the
3 delinquent licensee's last-known address as it appears on the records of the department constitutes notice
4 of intent to revoke the certificate. A certificate may not be revoked for nonpayment of a renewal fee if the
5 licensee pays the ~~annual~~ renewal fee plus a penalty prescribed by the board on or before the date fixed for
6 revocation.

7 (7) A license revoked for nonpayment of the ~~annual~~ renewal fee may be reissued only on original
8 application and payment of an additional fee prescribed by the board.

9 (8) Licenses must be conspicuously displayed by podiatrists at their offices or other places of
10 practice."

11
12 **Section 10.** Section 37-7-303, MCA, is amended to read:

13 **"37-7-303. ~~Annual-renewal~~ Renewal fee.** A person licensed and registered by the department shall
14 ~~annually~~ pay to the department on or before the license expiration date set by department rule a renewal
15 of registration fee prescribed by the board. A default in the payment of a renewal fee after the date it is
16 due increases the renewal fee as prescribed by the board. It is unlawful for a person who refuses or fails
17 to pay the renewal fee to practice pharmacy in this state. A certificate and renewal expires at the time
18 prescribed, ~~not later than 1 year from its date by board rule~~. A defaulter in a renewal fee may be reinstated
19 within 1 year of the default without examination on payment of the arrears and compliance with other
20 requirements prescribed by law."

21
22 **Section 11.** Section 37-7-321, MCA, is amended to read:

23 **"37-7-321. Certified pharmacy license.** (1) The board shall provide for the original certification and
24 ~~annual~~ renewal by the department of every pharmacy doing business in this state. On presentation of
25 evidence satisfactory to the board and on application on a form prescribed by the board and on the
26 payment of an original certification fee prescribed by the board, the department shall issue a license to a
27 pharmacy as a certified pharmacy. However, the license may be granted only to pharmacies operated by
28 registered pharmacists qualified under this chapter. The ~~annual~~ renewal fee for a pharmacy must be set by
29 the board. Any default in the payment of the renewal fee after the date the ~~same~~ fee is due increases the
30 renewal fee as prescribed by the board. The license must be displayed in a conspicuous place in the

1 pharmacy for which it is issued and expires on the date set by department rule. It is unlawful for a person
2 to conduct a pharmacy, use the word "pharmacy" to identify the business, or use the word "pharmacy"
3 in advertising unless a license has been issued and is in effect.

4 (2) The board may impose discipline or deny or refuse to renew a pharmacy license for reasons
5 specified in and subject to conditions specified in Title 37, chapter 1."

6

7 **Section 12.** Section 37-7-606, MCA, is amended to read:

8 **"37-7-606. Issuance of licenses.** The license for wholesale drug distributors is effective during the
9 ~~12-month~~ period specified by department rule. An application for renewal of a license must be mailed to
10 each licensee at least 30 days prior to the renewal date, and if the renewal application and the fee are not
11 mailed by the renewal date, the license is void upon its expiration date."

12

13 **Section 13.** Section 37-7-703, MCA, is amended to read:

14 **"37-7-703. Registration requirements.** Each out-of-state mail service pharmacy must be registered
15 with the board of pharmacy. In order to be registered with the board to do business in this state and for
16 ~~annual~~ the renewal of its registration, an out-of-state mail service pharmacy:

17 (1) (a) shall submit a certificate from the appropriate licensing authority with which it is currently
18 licensed and in good standing in the state in which its dispensing facilities are located; and

19 (b) shall comply with all applicable laws, regulations, and standards of that state and the United
20 States and, if requested by the board, provide evidence that it has ~~se~~ complied;

21 (2) shall register with the board and provide information on ownership and location, including the
22 names and titles of the corporate officers, of the out-of-state mail service pharmacy and the identity of a
23 pharmacist licensed in the state in which the pharmacy is located who is in charge of dispensing
24 prescriptions for shipment to Montana from the out-of-state mail service pharmacy;

25 (3) shall submit a utilization plan for the employment of pharmacy technicians if allowed by the
26 state where the mail service pharmacy is located. If the state in which the pharmacy is located does not
27 establish a ratio of technicians to pharmacists for determining the number of pharmacy technicians or
28 otherwise define the role of the pharmacist in compounding or dispensing drugs at the pharmacy, then the
29 out-of-state mail service pharmacy may not allow a pharmacist to supervise more than one supportive
30 person at any one time in the compounding or dispensing of prescription drugs, unless approved by the

1 board as provided in 37-7-307 through 37-7-309.

2 (4) shall submit to the board proof of the pharmacist's good standing with the licensing authority
3 in the state where the pharmacist is employed and the pharmacist's written commitment to comply with
4 the utilization plan, if any, for each pharmacist identified under subsection (2) and shall provide to the board
5 the same toll-free telephone service referenced in 37-7-706 in order to comply with all information requests
6 by the board; and

7 (5) shall pay an initial registration fee and ~~annual~~ a periodic renewal fee in an amount and at a time
8 to be determined by the board."

9

10 **Section 14.** Section 37-8-431, MCA, is amended to read:

11 **"37-8-431. Renewal of license.** (1) The license of a person licensed under this chapter must be
12 ~~annually~~ renewed on the date set by department rule. At least 30 days prior to the renewal date, the
13 department shall mail an application form for renewal of license to each person to whom a license was
14 issued or renewed during the year. The applicant shall carefully complete and subscribe the application form
15 and return it to the department with a renewal fee prescribed by the board on or before the renewal date.

16 (2) The board may increase or decrease the ~~annual~~ license fee so as to maintain in the state special
17 revenue fund at all times an adequate amount to be used for the purpose of administering, policing, and
18 enforcing the provisions of Title 37, chapter 1, and this chapter. On receipt of the application and fee, the
19 department shall verify the accuracy of the application against its record and from other sources the board
20 considers reliable and issue to the applicant a certificate of renewal. The certificate of renewal renders the
21 holder a legal practitioner of nursing for the period stated in the certificate of renewal.

22 (3) A licensee who allows the license to lapse by failing to renew the license may be reinstated by
23 the board on satisfactory explanation for the failure to renew license and on payment of the current renewal
24 fee prescribed by the board.

25 (4) A person practicing nursing during the time following the date the license has expired is an
26 illegal practitioner and is subject to the penalties provided for violations of this chapter.

27 (5) The board may establish a reasonable late fee for licensees who fail to renew their license by
28 the renewal date."

29

30 **Section 15.** Section 37-9-304, MCA, is amended to read:

1 **"37-9-304. Fees.** (1) Each person who applies for licensure, whether by waiver, examination, or
2 reciprocation, shall pay a fee prescribed by the board at the time of application.

3 (2) Each person licensed as a nursing home administrator shall pay a license fee in an amount fixed
4 by the board. A license expires ~~each year~~ on a date set by department rule and must be ~~renewable annually~~
5 renewed upon timely payment of the license fee.

6 (3) The fee for issuing a duplicate license must be fixed by the board."
7

8 **Section 16.** Section 37-9-305, MCA, is amended to read:

9 **"37-9-305. Renewal of registration and license.** Each holder of a nursing home administrator's
10 registration and license shall renew it ~~annually~~ by payment of the required fee for the next subsequent ~~year~~
11 period prior to the expiration date of the currently valid registration and license. Renewals of registrations
12 or licenses must be granted as a matter of course. However, if the board finds, after ~~due~~ notice and
13 hearing, that the applicant has acted or failed to act in a manner or under circumstances that would
14 constitute grounds for discipline, it may not issue the renewal."
15

16 **Section 17.** Section 37-10-307, MCA, is amended to read:

17 **"37-10-307. ~~Annual-renewal~~ Renewal -- fee.** A registered optometrist who desires to continue the
18 practice of optometry in this state shall, before the license expiration date established by rule of the
19 department, ~~annually~~ pay to the department a renewal fee prescribed by the board in return for which a
20 renewal of registration ~~shall~~ must be issued. If a person fails or neglects to procure ~~his annual~~ a renewal
21 of registration, ~~his~~ the person's certificate of registration ~~shall~~ must be revoked by the board; ~~however~~ .
22 However, ~~no~~ a certificate of registration may not be revoked without 90 days' notice having been given
23 to the delinquent, who within this period may renew ~~his~~ the certificate of registration on the payment of
24 the renewal fee with a penalty prescribed by the board."
25

26 **Section 18.** Section 37-11-308, MCA, is amended to read:

27 **"37-11-308. ~~Annual-renewal~~ Renewal of license -- fee.** A licensed physical therapist and a licensed
28 physical therapist assistant shall, on or before the date set by department rule, apply to the department for
29 a license renewal and pay a fee set by board rule. A license that is not renewed before the renewal date
30 automatically lapses. The board may, in its discretion, revive and renew a lapsed license on the payment

1 of all past unpaid renewal fees or a late renewal fee."

2

3 **Section 19.** Section 37-12-307, MCA, is amended to read:

4 **"37-12-307. ~~Annual-renewal~~ Renewal of license -- fees.** A license expires on the date set by
5 department rule and must be renewed by the department on payment of a renewal fee, as set by the board,
6 and the presentation of evidence satisfactory to the board that the licensee qualifies for renewal. All
7 applicants for renewal who have not paid the renewal fee on or before the renewal date shall pay an
8 additional late fee prescribed by the board."

9

10 **Section 20.** Section 37-13-306, MCA, is amended to read:

11 **"37-13-306. ~~Annual-renewal~~ Renewal -- fee -- military exemption.** (1) The license to practice
12 acupuncture must be renewed ~~annually~~, on a date set by the department, without examination and upon
13 request of the licensee. The request for renewal must be on forms prescribed by the board and
14 accompanied by a renewal fee prescribed by the board. The request and fee must be in the hands of the
15 secretary of the board not later than the expiration date of the license.

16 (2) Immediately following the renewal date, the secretary shall notify all licensees from whom
17 requests for renewal, accompanied by the renewal fee, have not been received that their licenses have
18 expired and that they will be cancelled and revoked upon the records of the board unless a request for
19 renewal and reinstatement, accompanied by the renewal fee and an additional fee prescribed by the board,
20 is in the hands of the secretary within 30 days of the renewal date.

21 (3) If the licensee fails to renew within 30 days following the renewal date, the secretary of the
22 board shall cancel and revoke upon ~~its~~ the board's records all licenses that have not been renewed or
23 reinstated as provided by this chapter and shall notify the licensees whose licenses are revoked of the
24 action.

25 (4) A licensee who allows the license to lapse by failing to renew or reinstate the license as
26 provided in this section may subsequently reinstate the license upon good cause shown to the satisfaction
27 of the board and upon payment of all ~~annual~~ renewal fees then accrued plus an additional fee prescribed
28 by the board for each ~~year~~ renewal period following the cancelling of the license.

29 (5) A person actively engaged in the military service of the United States and licensed to practice
30 acupuncture as provided in this part is not required to pay the ~~annual~~ renewal fee or make application for

1 renewal until the renewal date of the calendar ~~year~~ period in which the person returns from military service
2 to civilian or inactive status."

3

4 **Section 21.** Section 37-14-310, MCA, is amended to read:

5 **"37-14-310. ~~Annual renewal~~ Renewal -- fee -- reissuance of license.** (1) Licenses expire ~~annually~~
6 on the date established by rule of the department.

7 (2) A license ~~shall~~ must be renewed by the board upon payment of a license fee set by the board
8 and submission of a renewal application containing ~~such~~ information as that the board considers necessary
9 to show that the applicant for renewal is a radiologic technologist in good standing.

10 (3) A radiologic technologist who has been licensed in Montana and whose license has not been
11 revoked or suspended and who has temporarily ceased activities as a radiologic technologist for not more
12 than 5 years may apply for reissuance of a license upon complying with the provisions of this section,
13 including payment of an application fee."

14

15 **Section 22.** Section 37-16-407, MCA, is amended to read:

16 **"37-16-407. Renewal of license -- fee -- inactive status.** (1) A person who practices the fitting of
17 hearing aids and related devices shall ~~annually~~ pay to the department a fee as set by the board for a
18 renewal of the person's license. The fee must be fixed by the board to be commensurate with board costs
19 in administering licensure and related board functions. The fee must be increased 10% for each month or
20 major portion of a month that the payment of the renewal fee is delayed after the expiration date. The
21 maximum fee for a delayed renewal may not exceed twice the normal renewal fee as set by the board. A
22 person applying for renewal whose license was suspended for failure to renew is required to submit to the
23 examinations described in 37-16-403 as a condition of renewal for a 3-year period after suspension.

24 (2) Each applicant for license renewal shall submit evidence showing completion of 10 hours of
25 continuing education completed during the preceding 12 months. The requirements of the continuing
26 education programs are to be determined by the board by rule.

27 (3) (a) The board may set standards and fees for issuing licenses that designate inactive status.

28 (b) An inactive licensee may be reinstated to active practice if the inactive licensee:

29 (i) applies for reinstatement;

30 (ii) pays a fee set by the board; and

1 (iii) produces proof satisfactory to the board of completion of the continuing education requirements
2 established by the board."

3
4 **Section 23.** Section 37-18-307, MCA, is amended to read:

5 **"37-18-307. Renewal -- fee -- continuing education -- automatic renewal for military personnel.**

6 (1) A person licensed to practice veterinary medicine in this state shall procure a certificate of registration
7 from the department ~~annually~~ on or before the date set by department rule. The certificate must be issued
8 by the department on the payment of a fee fixed by the board and on presentation of evidence satisfactory
9 to the board that the licensee qualifies for renewal.

10 (2) Failure of a person licensed to procure a certificate of registration on or before the date set by
11 department rule constitutes a forfeiture of the license held by the person. A person who has forfeited the
12 license may have it restored by making written application for restoration within 1 year of the forfeiture,
13 setting forth the reasons for failure to procure the certificate of registration at the time specified and
14 accompanied by payment of the registration fee provided for in this section and an additional restoration
15 fee as the board requires. The person making application for restoration of license within 1 year of its
16 forfeiture is not required to submit to examination.

17 (3) Notwithstanding any other provisions in this chapter, a person licensed who enters or is called
18 to active duty by a branch of the armed services of the United States is entitled to receive automatic
19 registration of the license during the period of active duty with the armed services. However, within 1 year
20 after release or discharge from duty in the armed services the person shall procure a certificate of renewal
21 from the department and pay the regular fee. Failure to procure the certificate of renewal within 1 year after
22 release or discharge is the equivalent of a failure to procure a certificate of registration before ~~November~~
23 ~~1 of any year~~ the date set by department rule, and the same forfeiture and restoration requirements apply.

24 (4) A person licensed ~~shall~~ must at all times have the person's residence and office address on file
25 with the department."
26

27 **Section 24.** Section 37-19-301, MCA, is amended to read:

28 **"37-19-301. Funeral director's license -- renewal -- fee.** The practice of funeral directing by anyone
29 who does not hold a funeral director's license or a mortician's license issued by the department is
30 prohibited. A person licensed to practice funeral directing ~~on June 1, 1963,~~ is entitled to ~~an annual~~ the

1 renewal of the license on payment of a renewal fee to the department on or before the date set by
2 department rule. The amount of the ~~annual~~ renewal license fee must be set by the board."

3

4 **Section 25.** Section 37-19-304, MCA, is amended to read:

5 **"37-19-304. Issuance of intern's license -- license fee -- issuance of mortician's license on**
6 **completion of internship.** An applicant who passes the examination provided for in 37-19-302 shall, upon
7 payment of a license fee prescribed by the board, be granted an intern mortician's license to practice
8 mortuary science under the supervision of a licensed mortician in a licensed mortuary in Montana and, upon
9 completion of 1 year's internship and payment of the ~~annual~~ license fee, may apply for and receive a
10 mortician's license."

11

12 **Section 26.** Section 37-19-306, MCA, is amended to read:

13 **"37-19-306. ~~Annual-renewal~~ Renewal of mortician's license -- fee -- suspension for nonrenewal.**
14 (1) The ~~annual~~ license fee for a mortician's license must be postmarked on or before the date set by
15 department rule. The amount of the ~~annual~~ renewal fee must be set by the board.
16 (2) Failure to pay the ~~annual~~ renewal fee results in automatic suspension of the license. The license
17 may be reinstated by the payment of unpaid renewal fees plus a penalty prescribed by the board."

18

19 **Section 27.** Section 37-20-203, MCA, is amended to read:

20 **"37-20-203. Licensing of physician assistants-certified.** The Montana state board of medical
21 examiners may issue the following two forms of physician assistants-certified licenses under its seal:
22 (1) a permanent license, signed by the president and subject to ~~annual~~ periodic renewal; and
23 (2) a temporary license, signed by any member of the board and subject to specifications and
24 limitations imposed by the board."

25

26 **Section 28.** Section 37-20-302, MCA, is amended to read:

27 **"37-20-302. Utilization plan approval fee -- renewal of license -- renewal fee.** (1) A utilization plan
28 approval fee must be paid in an amount set by the board. Payment must be made when the utilization plan
29 is submitted to the board and is not refundable.

30 (2) A locum tenens utilization plan approval fee must be paid in an amount set by the board.

1 (3) A license issued under this part must be renewed ~~annually~~, for a period and on a date set by
2 the department.

3 (4) A license renewal fee set by the board must be paid at the time the license is renewed.

4 (5) The department shall mail a renewal notice no later than 60 days prior to the renewal date. A
5 certified letter addressed to the delinquent licensee's last-known address as it appears on the records of
6 the department constitutes notice of intent to revoke the license.

7 (6) If the ~~annual~~ license renewal fee is not paid on or before the renewal date, the board may
8 revoke the license after giving 30 days' notice to the licensee. A license may not be revoked for
9 nonpayment of a renewal fee if the licensee pays the ~~annual~~ renewal fee plus a penalty prescribed by the
10 board on or before the date fixed for revocation.

11 (7) Fees received by the department must be deposited in the state special revenue fund for use
12 by the board in the administration of this chapter, subject to 37-1-101(6)."

13
14 **Section 29.** Section 37-23-203, MCA, is amended to read:

15 "**37-23-203. Issuance, effective date, and display of license.** (1) If an applicant meets the
16 requirements contained in 37-23-202 and has paid the appropriate fees, the board shall issue a license to
17 the applicant attesting to the date and fact of licensure. The license is effective on the date of issuance and
18 must be renewed ~~every year~~ as provided in 37-23-205.

19 (2) The license must be displayed in the registrant's place of business or employment."
20

21 **Section 30.** Section 37-23-205, MCA, is amended to read:

22 "**37-23-205. Renewal of license.** (1) ~~A license may be issued for no longer than 1 year.~~ The
23 department may adopt rules to provide for ~~annual~~ the renewal of an existing license.

24 (2) An application for renewal of an existing license must be made on or before the expiration date
25 set by department rule.

26 (3) Application for renewal must be made upon a form provided by the department. A renewal
27 license must be issued upon payment of a renewal fee set by the board and upon submitting proof of
28 qualification for renewal.

29 (4) The renewal fee is increased by 10% for each month or part of a month that the renewal is
30 delayed. The maximum fee for delayed renewal may not exceed twice the normal renewal fee.

1 (5) A license not renewed within 1 year following its expiration date terminates automatically."
2

3

Section 31. Section 37-25-307, MCA, is amended to read:

4 "**37-25-307. Renewal of license.** (1) An application for renewal of license must be made ~~annually~~
5 for a period and on a date set by the department.

6 (2) A renewal license must be issued when the applicant submits proof that requirements for
7 continued licensure have been met and pays a renewal fee set by the board commensurate with costs.

8 (3) An additional fee may be imposed on applications for renewal received by the board more than
9 30 days after the ~~annual~~ license renewal date."
10

11

Section 32. Section 37-27-205, MCA, is amended to read:

12 "**37-27-205. Provisional license -- apprentice license.** (1) Upon payment of a \$200 fee to the
13 department, the board may grant a provisional direct-entry midwife license only to a person who filed an
14 affidavit required by section 2, Chapter 493, Laws of 1989.

15 (2) The provisional license is valid until the issuance of grades for the first examination
16 administered pursuant to 37-27-202.

17 (3) Upon payment of a \$200 fee to the department, the board may grant an apprentice direct-entry
18 midwife license to a person who:

19 (a) is working under the personal supervision of a licensed direct-entry midwife, a certified
20 nurse-midwife, a physician licensed under Title 37, chapter 3, or a licensed naturopathic physician who is
21 certified for the specialty practice of naturopathic childbirth attendance; and

22 (b) is seeking licensure as a direct-entry midwife under this chapter.

23 (4) An apprentice direct-entry midwife license is valid for ~~1-year~~ a period prescribed by board rule
24 and must be renewed ~~annually~~ at an interval established by the board, with a limit of four renewals."
25

26

Section 33. Section 37-29-304, MCA, is amended to read:

27 "**37-29-304. Applications and fees.** (1) The board is initially entitled to charge and collect the
28 following fees:

29 (a) \$200 application for licensing;

30 (b) \$200 for original license;

1 (c) \$200 ~~annual~~ license renewal fee;

2 (d) \$200 for examination or reexamination, provided that if on reexamination only the written
3 examination is required, the fee is \$100; and

4 (e) \$50 for a duplicate or replacement license or a license for a second address, provided that ~~ne~~
5 a dentist may not hold licenses bearing more than two different addresses.

6 (2) The board may set other fees and modify the initial fees in accordance with the provisions of
7 37-1-134."

8

9 **Section 34.** Section 37-29-306, MCA, is amended to read:

10 **"37-29-306. Licensing.** (1) A dentist license is valid for a period ~~of 1 year~~ established by
11 department rule and expires on the date set by department rule. A renewal license must be issued upon
12 timely payment of the renewal fee and the submission of proof of continued qualification for licensure. In
13 addition, the dentist shall submit proof that the dentist holds a current cardiopulmonary resuscitation
14 card. The license must bear on its face the address where the licensee's dentist services will be
15 performed.

16 (2) Applications must be submitted on forms approved by the board and furnished by the
17 department. Each application must include all other ~~documentations~~ documentation necessary to establish
18 that the applicant meets the requirements for licensure and is eligible to take the licensure examination.
19 Applications must be accompanied by the appropriate fees."

20

21 **Section 35.** Section 37-30-310, MCA, is amended to read:

22 **"37-30-310. Instructor's certificate required -- application and qualification -- fees.** (1) Except as
23 provided in subsection (3), ~~ne~~ a person may not, for a fee, instruct another in the practice of barbering
24 unless that person holds an instructor's certificate issued by the board.

25 (2) The board shall issue an instructor's certificate to:

26 (a) any person engaged as an instructor in a barber college on October 1, 1983, upon payment of
27 the certification fee; or

28 (b) any person who passes the instructor's examination given by the department and pays a
29 certification fee established by the board.

30 (3) This section does not apply to persons paying the ~~annual~~ license fee required by 37-30-424."

1 **Section 36.** Section 37-30-424, MCA, is amended to read:

2 "**37-30-424. Fee for advanced barber training program, clinic, or seminar.** ~~Any~~ A person who is
3 not a resident of this state ~~conducting~~ who conducts in this state any advanced barber training program,
4 clinic, or seminar for barbers as defined in this chapter shall pay ~~an annual~~ a license fee prescribed by the
5 board to the department or a 10-day license fee prescribed by the board and display the license while
6 operating. ~~Any such~~ An advanced barber training program, clinic, or seminar may be inspected by the
7 department at reasonable times during operation."

8

9 **Section 37.** Section 37-30-423, MCA, is amended to read:

10 "**37-30-423. Initial inspection fee -- renewal.** (1) In addition to the fees and charges provided by
11 law on March 11, 1939, barbershops established prior to that date and ~~which that~~ had been under the
12 inspection of the board shall pay ~~an annual~~ a license fee set by the board based on clerical and
13 administrative costs. Barbershops established after March 11, 1939, shall pay an initial inspection fee
14 prescribed by the board for the first ~~year or portion thereof~~ licensure period or portion of the licensure
15 period and shall pay ~~an annual~~ a license fee set by the board.

16 (2) Barbershop, school, or college licenses, once issued, expire ~~each year~~ on the date established
17 by rule of the department, and an owner or manager of a barbershop, school, or college ~~which that~~
18 continues in active operation shall ~~annually~~, before the expiration date, renew ~~his the~~ the barbershop, school,
19 or college license and pay the required fee. A barbershop ~~which that~~ fails to have the license renewed
20 before the expiration date ~~each year~~ shall, on renewal, pay a penalty prescribed by the board, and a barber
21 school or college ~~which that~~ fails to have the license renewed before the expiration date ~~each year~~ shall,
22 on renewal, pay a penalty prescribed by the board."

23

24 **Section 38.** Section 37-31-302, MCA, is amended to read:

25 "**37-31-302. License required to practice, teach, or operate salon, booth, or school.** (1) A person
26 may not practice or teach cosmetology or practice or teach manicuring without a license.

27 (2) A place may not be used or maintained for the teaching of cosmetology or manicuring for
28 compensation except under a certificate of registration.

29 (3) A person may not operate or manage a cosmetology salon or a manicuring salon or practice
30 cosmetology or manicuring without a manager-operator license.

1 (4) A person may not operate or conduct a school of cosmetology or a school of manicuring and
2 teach the art of cosmetology or manicuring without a license to teach cosmetology.

3 (5) A person may not manage or operate a booth without a booth rental license.

4 (6) A person, firm, partnership, or corporation desiring to operate a cosmetology salon shall make
5 an application to the department for a certificate of registration and license. The application must be
6 accompanied by the ~~annual~~ registration fee.

7 (7) A license may not be issued until the inspection fees required in 37-31-312 have been paid."
8

9 **Section 39.** Section 37-32-305, MCA, is amended to read:

10 **"37-32-305. Fees -- renewal -- deposit of money collected.** (1) The fee for an original electrologist
11 license must be set by the board. The renewal is automatic, unless revoked or suspended for cause, and
12 the renewal fee must be set by the board.

13 (2) The fee for an original electrologist salon license fee must be the same as that for cosmetology
14 salons. The renewal fee must be the same as that for cosmetology salons.

15 (3) A license issued under this chapter expires on the date set by department rule and may be
16 renewed ~~annually~~ at periodic intervals as determined by department rule. Failure to renew subjects the
17 licensee to a late renewal fee prescribed by the board to be added to the regular renewal fee. The right to
18 renew by payment of the late renewal fee expires after 3 years of nonpayment.

19 (4) All fees or money collected by the department under this chapter must be deposited in the state
20 special revenue fund for the use of the board in administration of the chapter."
21

22 **Section 40.** Section 37-40-203, MCA, is amended to read:

23 **"37-40-203. Rulemaking power.** (1) The board may adopt rules, consistent with the purposes of
24 this chapter, as it considers necessary.

25 (2) The board's rulemaking and hearing functions must be in accordance with the Montana
26 Administrative Procedure Act. The board shall adopt rules:

27 (a) establishing standards of professional conduct in order to maintain a high standard of integrity,
28 dignity, and competency in the profession of sanitarian, including competency in specific fields of
29 sanitation;

30 (b) governing the conduct of matters before the board;

1 (c) governing educational equivalency requirements, as provided in 37-40-302, for registration of
2 sanitarians; and

3 (d) defining qualifications for sanitarian-in-training status for issuance of the initial ~~annual~~ permit."
4

5 **Section 41.** Section 37-40-304, MCA, is amended to read:

6 "**37-40-304. Fees -- renewal.** (1) An applicant for a license shall pay a fee set by the board in an
7 amount commensurate with examination and administrative costs.

8 (2) A registered sanitarian may renew the license by paying ~~an annual~~ a renewal fee and meeting
9 qualifications set by the board.

10 (3) Renewal fees are due on or before the renewal date set by department rule. If the renewal fee
11 is not paid, the license expires. Licenses which have lapsed for failure to pay renewal fees may be reissued
12 under rules adopted by the board."
13

14 **Section 42.** Section 37-50-203, MCA, is amended to read:

15 "**37-50-203. Rules of the board.** (1) The board may adopt rules, consistent with the purposes of
16 this chapter, as it considers necessary.

17 (2) The board shall adopt:

18 (a) rules of professional conduct appropriate to establish and maintain a high standard of integrity,
19 dignity, and competency in the profession of public accounting, including competency in specific fields of
20 public accounting;

21 (b) rules of procedure governing the conduct of matters before the board;

22 (c) rules governing education requirements, as provided in 37-50-305, for issuance of the
23 certificate of a certified public accountant and the license for licensed public accountant;

24 (d) rules governing partnerships and corporations practicing public accounting, including but not
25 limited to rules concerning their style, name, title, and affiliation with any other organization and
26 establishing reasonable standards with respect to professional liability insurance and unimpaired capital and
27 prescribing joint and several liability for torts relating to professional services for shareholders of any
28 corporation failing to comply with the standards;

29 (e) rules defining requirements for accounting experience, not exceeding 2 years, for issuance of
30 the initial ~~annual~~ permit; and

1 (f) rules to enforce the provisions of this chapter. The purpose of the rules must be to provide for
 2 the monitoring of the profession of public accounting and to maintain the quality of the accounting
 3 profession."

4
 5 **Section 43.** Section 37-50-314, MCA, is amended to read:

6 "**37-50-314. ~~Annual permit~~ Permit required -- display.** (1) A person may not engage in the practice
 7 of public accounting in this state without a current ~~annual~~ permit issued by the department. ~~An annual~~ A
 8 permit to engage in the practice of public accounting in this state must be issued by the department to a
 9 person who holds a current certificate as a certified public accountant or license as a licensed public
 10 accountant and complies with the requirements of this chapter.

11 (2) The current ~~annual~~ permit to engage in the practice of public accounting must be prominently
 12 displayed for public inspection."

13
 14 **Section 44.** Section 37-50-317, MCA, is amended to read:

15 "**37-50-317. ~~Certificate, license, and permit expiration -- renewal fees~~.** (1) Certificates, licenses,
 16 and permits issued by the board expire on the date set by department rule.

17 (2) Certificates and licenses must be renewed by the department upon payment of the ~~annual~~
 18 periodic renewal fee set by the board and upon compliance with requirements prescribed by the board.

19 (3) Permits must be renewed by the department upon payment of the ~~annual~~ periodic renewal fee
 20 and upon compliance with the requirements prescribed by the board."

21
 22 **Section 45.** Section 37-51-310, MCA, is amended to read:

23 "**37-51-310. ~~Annual renewal~~ Renewal.** (1) ~~Except as provided in subsection (2), annual fees~~
 24 License fees are due and payable for the ensuing year licensure period ~~during the month of December of~~
 25 ~~each year~~ at a time prescribed by board rule. Failure to remit ~~annual renewal~~ fees before ~~January 1 the~~
 26 expiration date of the licensure period automatically cancels the license, but otherwise the license remains
 27 in effect continuously from the date of issuance unless suspended or revoked by the board for just cause.

28 ~~(2) The board may by rule change the annual renewal and automatic cancellation dates provided~~
 29 ~~for in subsection (1).~~

30 ~~(3)~~(2) A licensee who allows his the license to lapse by failing to remit the ~~annual~~ fees before

1 ~~January 1~~ the expiration date may have ~~his~~ the license reinstated by the board by:

2 (a) within 45 days after ~~January 1~~ the expiration date, providing a satisfactory explanation to the
3 board for ~~his~~ the licensee's failure to renew the license; and

4 (b) paying the current renewal fee prescribed by the board.

5 ~~4~~(3) The board may also charge a late fee equal to twice the current renewal fee, but no less than
6 \$100, to a licensee who does not renew ~~his~~ the license as required by subsection (1)."

7

8 **Section 46.** Section 37-51-603, MCA, is amended to read:

9 **"37-51-603. Qualification of property manager applicants -- examination -- form of licenses. (1)**

10 The board by rule shall require an applicant for licensure to provide information that the board believes is
11 necessary to ensure that a person granted a property manager license is of good repute and competent to
12 transact the business of a property manager in a manner that safeguards the welfare and safety of the
13 public.

14 (2) (a) The board shall require an applicant for a property manager license to:

15 (i) apply for licensure to the department;

16 (ii) furnish written evidence that the applicant has completed the number of classroom hours that
17 the board determines appropriate in a course of study approved by the board and taught by instructors
18 approved by the board; and

19 (iii) satisfactorily complete an examination dealing with the material taught in the course of study.

20 (b) The course of study must include the subjects of real estate leasing principles, real estate
21 leasing law, and related topics.

22 (3) Examinations must be given at least once every 4 months at places within the state that the
23 board prescribes. The board shall establish by rule the contents of and requirements to pass the
24 examination.

25 (4) An applicant for licensure as a property manager must be at least 18 years of age and must
26 have graduated from an accredited high school or completed an equivalent education as determined by the
27 board.

28 (5) The board shall prescribe the form of the license, and the license must bear the seal of the
29 board. A property manager shall display the license conspicuously in the property manager's place of
30 business.

1 (6) The department shall prepare and deliver ~~annually~~ to the licensee a pocket card in a form and
 2 at times prescribed by the board."
 3

4 **Section 47.** Section 37-65-306, MCA, is amended to read:

5 "**37-65-306. ~~Annual-renewal~~ Renewal** -- fee. A licensed architect in this state who desires to
 6 continue the practice of the profession shall ~~annually~~, on or before the renewal date set by department rule:

7 (1) pay to the department a reasonable fee as prescribed by the board; and

8 (2) present evidence to the board of continued qualification for licensure."
 9

10 **Section 48.** Section 37-66-307, MCA, is amended to read:

11 "**37-66-307. ~~Annual-renewal~~ Renewal** -- ~~withdrawal~~ -- ~~deposit of fees~~. (1) Certification of licensure
 12 or renewal of registration expires on the date set by department rule. Renewal may be effected on or before
 13 the renewal date by payment to the department of the required fee. The board shall issue current renewal
 14 registration to each landscape architect promptly upon payment of the ~~annual~~ renewal registration fee.

15 (2) Any registrant in good standing, upon ceasing to practice landscape architecture, shall give
 16 written notice to the board, and the board shall suspend the license. The person may resume practice upon
 17 payment of the then-current fee and upon approval by the board.

18 (3) All fees received under the provisions of this chapter must be deposited in the state special
 19 revenue fund by the department. The money collected must be used by the department to carry out the
 20 purpose, duties, and responsibilities ~~of the~~ set forth in this chapter, subject to 37-1-101(6)."
 21

22 **Section 49.** Section 37-68-303, MCA, is amended to read:

23 "**37-68-303. Apprentice may work under licensed electrician -- early examination** -- ~~record of~~
 24 ~~apprentices~~. (1) This chapter does not prohibit a person from working as an apprentice in the trade of
 25 electrician with an electrician licensed under this chapter and under rules made by the board.

26 (2) An apprentice registered with the department of labor and industry may take the examination
 27 required under 37-68-305 at any time an examination is offered by the board during the 6 months before
 28 the expiration of the apprenticeship if the apprentice has:

29 (a) completed the instructional requirements in 39-6-106(1)(c); and

30 (b) compiled a minimum of 7,000 documented hours in the apprenticeship program.

1 ~~(3)~~ The name and residence of each apprentice and the name and residence of ~~his~~ the apprentice's
 2 employer ~~shall~~ must be filed with the department, and a record ~~shall~~ must be kept by the department
 3 showing the name and residence of each apprentice."
 4

5 **Section 50.** Section 37-68-307, MCA, is amended to read:

6 **"37-68-307. Examination procedure -- issuance of master, journeyman, or residential electrician's**
 7 **license -- expiration.** (1) To ensure impartiality, the examination for either the residential, master's or
 8 journeyman's license must be by numbers drawn by lot. A paper may not be marked with the name of an
 9 applicant, but must be anonymously graded by the department. The examination passing grade is 75%.

10 (2) ~~¶~~ Except as provided in subsection (3), if it is determined that the applicant has passed the
 11 examination, the department, on payment by the applicant of the fee, shall issue to the applicant a license
 12 that authorizes the licensee to engage in the business, trade, or calling of a residential electrician,
 13 journeyman electrician, or master electrician.

14 (3) If the applicant is an apprentice registered with the department of labor and industry and the
 15 applicant passes the examination, the department may not issue a license to the applicant until the
 16 applicant has paid the appropriate license fee and the department of labor and industry notifies the
 17 department that the applicant's apprenticeship has been completed.

18 ~~(3)(4) Each~~ Unless otherwise provided by rules established by the board, each original license
 19 expires on a July 15 that is not more than 3 years subsequent to the date of issuance, ~~at the discretion of~~
 20 ~~the board."~~

21
 22 **Section 51.** Section 37-68-310, MCA, is amended to read:

23 **"37-68-310. License renewal ~~every three years period~~ -- renewal of lapsed licenses.** Licenses of
 24 residential electricians, journeyman electricians, or master electricians, unless they have been suspended
 25 or revoked by the board or unless the board changes the duration of the renewal period, must be renewed
 26 for a period of 3 years by the department on application for renewal made to the department on or before
 27 the renewal date set by department rule and on the payment of a renewal fee. If application for renewal
 28 is not made on or before the renewal date, an additional fee prescribed by board rule must be paid. It is
 29 unlawful for a person who refuses or fails to pay the renewal fee to practice electrical work in this state.
 30 A person with a lapsed license may be issued a renewal license without examination if the applicant pays

1 the original renewal fee and any delinquency fee within 1 year of the license expiration date. A lapsed
2 license that is not renewed within 1 year following its expiration date may not be renewed unless the
3 applicant passes the examination and pays the fee required for an original license."
4

5 **Section 52.** Section 37-69-302, MCA, is amended to read:

6 **"37-69-302. Apprenticeship allowed -- early license examination.** (1) This chapter does not prohibit
7 a person from working as an apprentice in the trade of plumbing ~~with a plumber licensed by the department~~
8 under the supervision of a licensed journeyman or master plumber. Only those apprentices registered with
9 the department of labor and industry apprenticeship program will be recognized by the department.

10 (2) An apprentice registered with the department of labor and industry may take the examination
11 required under 37-69-304 at any time an examination is offered by the board during the 6 months before
12 the expiration of the apprenticeship if the apprentice has:

13 (a) completed the instructional requirements in 39-6-106(1)(c); and

14 (b) compiled a minimum of 54 months or not less than 7,600 documented hours in the
15 apprenticeship program.

16 (3) The name and ~~residence~~ address of each apprentice and the ~~names and residences of their~~
17 ~~employers shall~~ name and address of each sponsor must be filed with the department, and a record ~~shall~~
18 must be kept by the department."

19
20 **Section 53.** Section 37-69-306, MCA, is amended to read:

21 **"37-69-306. Examination -- issuance of license.** (1) An applicant for a license to work in the field
22 of plumbing ~~shall~~ must be examined as to ~~his~~ the applicant's qualifications by the department, subject to
23 37-1-101(4). The department shall examine each applicant for a license to determine ~~his~~ the applicant's skill
24 and qualifications as a master plumber or journeyman plumber.

25 (2) The master or journeyman applicant, upon successfully passing the examination prescribed by
26 the board, ~~shall~~ must be issued a license authorizing ~~him~~ the applicant to engage in the field of plumbing
27 as a master plumber or journeyman plumber in the state of Montana.

28 (3) In the case of a firm or corporation, the examination and issuance of a license to an individual
29 of the firm or to a principal of the firm or corporation satisfies the requirements of this chapter as to master
30 plumbers but not as to journeyman plumbers. ~~No~~ An individual, firm, or corporation may not do the work

1 of a master plumber unless licensed under this chapter."

2

3 **Section 54.** Section 37-69-307, MCA, is amended to read:

4 **"37-69-307. Examination fee and annual renewal fee.** (1) ~~No~~ An applicant for a master plumber's
5 license may not submit to the examinations prescribed by the board until ~~he~~ the applicant has deposited
6 with the department an examination fee prescribed by the board, and no an applicant for a journeyman
7 plumber's license may not submit to the examination prescribed by the board until ~~he~~ the applicant has
8 deposited with the department an examination fee as prescribed by the board.

9 (2) A license when issued expires ~~each year~~ on the date established by rule of the department. A
10 license issued to a master plumber or a journeyman plumber may be renewed ~~annually~~ without
11 examination, at any time prior to its expiration, by a written request for its renewal directed to the
12 department and the payment of a fee as set by the board for renewal of a master plumber's license or a
13 fee as set by the board for renewal of a journeyman plumber's license. Renewal is for the period ~~of 1 year~~
14 established by the board by rule.

15 (3) Fees prescribed by the board pursuant to this section must be reasonably related to the costs
16 incurred by the board in carrying out its respective functions."

17

18 **Section 55.** Section 37-72-306, MCA, is amended to read:

19 **"37-72-306. Annual-renewal Renewal.** (1) A license issued under this chapter expires ~~January 1~~
20 ~~following the date of its issuance or renewal~~ and is invalid ~~thereafter~~ after the renewal date established by
21 the department by rule. The department shall notify each person licensed under this chapter of the date of
22 the expiration of ~~his~~ the person's license and the amount of ~~his~~ the license renewal fee. The notice must
23 be mailed to each licensed construction blaster at ~~his~~ the blaster's listed address at least 1 month before
24 the expiration of ~~his~~ the blaster's license.

25 (2) Renewal may be made by application during the 60 days prior to the expiration date. Failure
26 on the part of a licensee to pay ~~his~~ the renewal fee by the expiration date does not deprive ~~him~~ the licensee
27 of the right to renew ~~his~~ the licensee's license, but the fee must be increased 10% for each month or major
28 portion ~~thereof~~ of a month that the payment of the renewal fee is delayed after the expiration date. The
29 maximum fee for delayed renewal may not exceed twice the normal renewal fee. Application for renewal
30 following a lapse of 1 year or more is subject to review by the department, and the applicant may be

1 required to successfully complete an examination."
 2

3 **Section 56.** Section 50-39-102, MCA, is amended to read:

4 **"50-39-102. Application for license and endorsements.** (1) An application for a license and any
 5 endorsements must be made on a form prescribed by the department of commerce.

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

7 (a) submits satisfactory proof that the applicant is properly equipped and staffed to provide the
 8 sales or services to be licensed and endorsed; and

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

11 (3) The department shall:

12 (a) issue an endorsement to an applicant who scores a passing grade on an examination devised
 13 or approved by the department; and

14 (b) ~~annually~~ renew the endorsement at time intervals prescribed by the department and upon
 15 payment of the endorsement fee and submission of satisfactory proof that the endorsee has completed
 16 continuing education, training, or testing required by the department."
 17

18 **Section 57.** Section 50-74-313, MCA, is amended to read:

19 **"50-74-313. Renewal of licenses.** (1) All certificates of license to engineers of all classes ~~shall~~
 20 must be renewed yearly, except as herein provided at periodic intervals as established by the board by rule.

21 (2) Any engineer failing to renew his the license ~~as herein provided~~ or within at least 30 days after
 22 the date of expiration ~~shall~~ must be assessed the fee for the original license of the same grade before the
 23 license will be reissued.

24 (3) Any engineer failing to renew his the license within 12 months of the date of expiration ~~must~~
 25 shall reapply for an engineer's license as required by the provisions of 50-74-303 through 50-74-308.

26 (4) Any engineer whose license expired while ~~such~~ the engineer was in the military or naval service
 27 of the United States ~~shall have 90 days from the time such engineer is discharged from such military or~~
 28 ~~naval service within which to renew his~~ shall within 90 days of discharge renew the license at the renewal
 29 fee."
 30

1 **Section 58.** Section 50-76-105, MCA, is amended to read:

2 "**50-76-105. Renewal and period of validity of license.** The license is valid for ~~1 year from the date~~
3 ~~of issuance~~ a period established by the board by rule and may be renewed in the same manner provided
4 by law for the renewal of a license to operate steam engines, boilers, or steam-driven machinery under
5 chapter 74 of this title."

6

7 NEW SECTION. **Section 59. Coordination instruction.** If House Bill No. 266 and [this act] are both
8 passed and approved, then [section 1(3)(b) of this act] is void.

9

10 NEW SECTION. **Section 60. Effective date.** [This act] is effective July 1, 1997.

11

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0598, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

A bill for an act generally revising the laws governing professional and occupational licensing; providing appropriations to fund compliance and enforcement positions for certain professional and occupational licensure boards; allowing board and departmental rules to provide for variation from annual license renewal periods; allowing electrical and plumbing apprentices to take licensure examinations before the apprenticeships expire.

ASSUMPTIONS:

Department of Commerce/POL Bureau:

1. The biennial appropriations as contained in the bill will provide funding for additional staff for compliance and enforcement.
2. The Board of Realty Regulation will receive \$144,126 for 2.00 FTE for an investigator and administrative support.
3. The State Electrical Board and Board of Plumbers will receive \$144,126 for 2.00 FTE for an investigator and administrative support. Each board will pay one-half of the costs.
4. The Board of Nursing will receive \$175,510 for 2.00 FTE for an attorney and nurse who will serve as compliance specialists.
5. The Board of Medical Examiners will receive \$94,464 for 1.00 FTE for an attorney.
6. The Board of Professional Engineers and Land Surveyors will receive \$87,046 for an investigator.
7. The Professional and Occupational Licensing Bureau will receive \$184,816 for 2.00 FTE for an investigator and attorney to handle compliance and enforcement for all 36 boards/programs.
8. Fees collected by the boards/programs will pay for the costs of the additional compliance and enforcement personnel and will also pay for the costs of the POL positions through recharges. Each of the boards specifically listed as receiving an appropriation has a sufficient fund balance to cover the expenditures.

FISCAL IMPACT:

Department of Commerce [as contained in HB 598]
POL Bureau:

Expenditures:

	<u>FY98</u>	<u>FY99</u>
	<u>Difference</u>	<u>Difference</u>
FTE	10.00	10.00
Expenditures	<u>830,088</u>	<u>0</u>
Total	830,088	0

Funding:

Licensing Fees SSR (02)	830,088	0
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TECHNICAL NOTES:

Since FTE are authorized by this bill, page 3, line 8, making these biennial appropriations should be amended to provide equal amounts each year for a total of \$415,044 each year.

Dave Lewis 3.10.97

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

Cliff Texler

 CLIFF TEXLER, PRIMARY SPONSOR DATE

1 HOUSE BILL NO. 598

2 INTRODUCED BY TREXLER, SIMON, TUSS, EWER, SQUIRES, STOVALL, PROUSE, BITNEY, MASOLO,
3 TROPILA, PAVLOVICH, GILLAN, KRENZLER, MARSHALL, BARNETT, BOOKOUT, DEVANEY, SLITER,
4 LAWSON

5
6 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE LAWS GOVERNING PROFESSIONAL
7 AND OCCUPATIONAL LICENSING; PROVIDING APPROPRIATIONS TO FUND COMPLIANCE AND
8 ENFORCEMENT POSITIONS FOR CERTAIN PROFESSIONAL AND OCCUPATIONAL LICENSURE BOARDS;
9 ALLOWING BOARD AND DEPARTMENTAL RULES TO PROVIDE FOR VARIATION FROM ANNUAL LICENSE
10 RENEWAL PERIODS; ALLOWING ELECTRICAL AND PLUMBING APPRENTICES TO TAKE LICENSURE
11 EXAMINATIONS BEFORE THE APPRENTICESHIPS EXPIRE; AMENDING SECTIONS 23-3-501, 27-6-206,
12 37-3-301, 37-3-313, 37-4-307, 37-4-326, 37-4-406, 37-6-304, 37-7-303, 37-7-321, 37-7-606, 37-7-703,
13 37-8-431, 37-9-304, 37-9-305, 37-10-307, 37-11-308, 37-12-307, 37-13-306, 37-14-310, 37-16-407,
14 37-18-307, 37-19-301, 37-19-304, 37-19-306, 37-20-203, 37-20-302, 37-23-203, 37-23-205,
15 37-25-307, 37-27-205, 37-29-304, 37-29-306, 37-30-310, 37-30-423, 37-30-424, 37-31-302,
16 37-32-305, 37-40-203, 37-40-304, 37-50-203, 37-50-314, 37-50-317, 37-51-310, 37-51-603,
17 37-65-306, 37-66-307, ~~37-68-303~~, 37-68-307, 37-68-310, ~~37-69-302~~, ~~37-69-306~~, 37-69-307,
18 37-72-306, 50-39-102, 50-74-313, AND 50-76-105, MCA; AND PROVIDING AN EFFECTIVE DATE."

19
20 WHEREAS, the Legislature finds that delays in licensing board responses to complaints of
21 misconduct by licensees and unlicensed practice that result in frustration on behalf of the public, licensees,
22 and boards is caused by a lack of personnel to assist with compliance issues; and

23 WHEREAS, licensing boards collect and accumulate sufficient funds from the fees charged to
24 licensees to meet the cost of compliance and enforcement personnel, but these same boards often lack the
25 authority to expend the funds that they collect; and

26 WHEREAS, the delayed processing and the accumulating complaint backlog have a deleterious
27 effect on the productivity and reputation of the licensees; and

28 WHEREAS, a uniformly flexible approach to license renewal scheduling would also reduce frustration
29 on the part of licensees and the public that they serve; and

30 WHEREAS, inflexible examination dates for license applicants in the plumbing and electrical fields

1 have caused undue hardship with no discernable public benefit; and

2 WHEREAS, the Committee on Business and Labor desires to alleviate these and other related
3 problems by appropriating funds for certain professional and occupational boards that need additional
4 compliance specialists, by allowing ~~boards of~~ the Department of Commerce to establish license renewal
5 dates by rule, and by allowing electrical and plumbing apprentices to take the examination required for
6 licensure before the apprenticeships expire.

7

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

9

10 NEW SECTION. **Section 1. Appropriation.** (1) There is appropriated to the department of commerce
11 for fiscal years 1998 and 1999 the amount specified in subsection (3). The amounts appropriated are for
12 the purpose of hiring investigators, attorneys, and support staff whose services will be devoted to
13 processing complaints and ensuring compliance with state laws and administrative rules promulgated by
14 the boards identified in subsection (3). The appropriated funds are intended to assist boards to fulfill the
15 duties set forth in 37-1-131 and must be appropriated from the accounts in the state special revenue fund
16 into which fees from certain licensees are deposited.

17 (2) The appropriations in subsection (3) are contingent on the availability of funds as specified in
18 subsection (3) on or after [the effective date of this act].

19 (3) Funds are appropriated for the purposes outlined in subsection (1) in the following amounts and
20 for the specified boards as follows:

21 (a) up to \$144,126 from money deposited in the state special revenue fund pursuant to 37-51-208.
22 The appropriation may be used only for an investigator and an administrative support position for the board
23 of realty regulation provided for in 2-15-1867;

24 (b) up to \$144,126 from money deposited in the state special revenue fund pursuant to 37-68-313
25 and 37-69-308, in proportions determined by the department. The appropriation may be used only for an
26 investigator and administrative support to be shared by the state electrical board provided for in 2-15-1874
27 and the board of plumbers established in 2-15-1875;

28 (c) up to \$175,510 from money deposited in the state special revenue fund pursuant to 37-8-432.
29 The appropriation may be used only for an attorney and a nurse, both of whom will serve as compliance
30 officers for the board of nursing provided for in 2-15-1844;

1 (d) up to \$94,464 from money deposited in the state special revenue fund pursuant to 37-3-314.
 2 The appropriation may be used only for an attorney for the board of medical examiners provided for in
 3 2-15-1841;

4 (e) up to \$87,046 from money deposited in the state special revenue fund pursuant to 37-67-317.
 5 The appropriation may be used only for an investigator for the board of professional engineers and land
 6 surveyors provided for in 2-15-1873; and

7 (f) up to \$184,816 from the pooled funds provided to the department by the boards in accordance
 8 with the provisions of 37-1-131. The appropriation may be used only for an investigator and an attorney
 9 for the purpose of fulfilling the of the department of commerce duties under 37-1-101.

10 (4) The appropriations in subsection (3) are biennial appropriations.
 11

12 **Section 2.** Section 23-3-501, MCA, is amended to read:

13 "**23-3-501. Licenses -- fees.** (1) The board may issue ~~an annual~~ a renewable license to a
 14 professional or semiprofessional boxing or wrestling promoter, whether an individual or organization, for
 15 the sole purpose of conducting professional or semiprofessional matches or exhibitions.

16 (2) The board may issue ~~annual~~ renewable licenses to qualified referees, managers, boxers,
 17 wrestlers, seconds, trainers, and judges.

18 (3) A license issued in accordance with subsections (1) and (2) expires on the date set by
 19 department rule and may be renewed upon payment of a fee set by the board.

20 ~~(3)(4)~~ Each application for ~~an original~~ a license under this section ~~or renewal of a license~~
 21 accompanied by a fee set by the board, commensurate with costs related to the particular license as
 22 provided in 37-1-134."
 23

24 **Section 3.** Section 27-6-206, MCA, is amended to read:

25 "**27-6-206. Funding.** (1) There is a pretrial review fund to be administered by the director
 26 exclusively for the purposes stated in this chapter. The fund and any income from it must be held in trust,
 27 deposited in an account, and invested and reinvested by the director with the prior approval of the director
 28 of the Montana medical association. The fund may not become a part of or revert to the general fund of
 29 this state but is open to auditing by the legislative auditor.

30 (2) To create the fund, ~~an annual~~ a surcharge must be levied on all health care providers. The

1 amount of the assessment must be set annually by the director and must be apportioned among physicians,
2 dentists, hospitals, and other health care providers by group. For the group of all physicians, the group of
3 all dentists, the group of all hospitals, and the group of all other health care facilities, the amount of the
4 assessment must be proportionate to the respective percentage of total health care providers brought
5 before the panel that each group constitutes. The total number and group of health care providers brought
6 before the panel must be determined from the annual report of the panel for the years preceding the year
7 of assessment. The amount of the assessment for the group of all hospitals must be proportionately
8 assessed against each hospital on the basis of each hospital's total number of licensed hospital beds,
9 whether used or not, as reflected in the most recent compilation of the department of public health and
10 human services. The amount of the assessment for the group of all physicians must be equally assessed
11 against all physicians. The amount of the assessment for the group of all dentists must be equally assessed
12 against all dentists. The amount of the assessment for the group of all other health care facilities must be
13 equally assessed against all other health care facilities. Surplus funds, if any, above the amount required
14 for the annual administration of the chapter must be retained by the director and used to finance the
15 administration of this chapter in succeeding years, in which event the director shall reduce the annual
16 assessment in subsequent years, commensurate with the proper administration of this chapter.

17 (3) The ~~annual~~ surcharge must be assessed on an annual basis and must be paid on or before the
18 date that physicians' and dentists' ~~annual~~ registration or renewal fees are due under 37-3-313 and
19 37-4-307. All unpaid assessments bear a late charge fee equal to the judgment rate of interest. The late
20 charge fee is part of the ~~annual~~ surcharge. The director has the same powers and duties in connection with
21 the collection of and failure to pay the ~~annual~~ surcharge as the department of commerce has under
22 37-3-313 and 37-4-307 in connection with physicians' and dentists' ~~annual~~ registration or renewal fees."
23

24 **Section 4.** Section 37-3-301, MCA, is amended to read:

25 "**37-3-301. License required -- kinds of certificates.** (1) ~~Prior to the issuance of~~ Before being issued
26 a license, an applicant may not engage in the practice of medicine in this state.

27 (2) The department may issue three forms of certificates of licensure under the board's seal: the
28 physician's certificate, the restricted certificate, and the temporary certificate. The physician's certificate
29 and the restricted certificate must be signed by the president, but the temporary certificate may be signed
30 by any board member. The board shall decide which certificate to issue. These certificates must be

1 designated as:

2 (a) physician's certificate, which is subject to ~~annual~~ renewable registration in accordance with
3 board DEPARTMENT rules;

4 (b) restricted certificate; and

5 (c) temporary certificate, which is subject to specifications and limitations imposed by the board."
6

7 **Section 5.** Section 37-3-313, MCA, is amended to read:

8 "**37-3-313. ~~Annual registration~~ Registration fees -- failure to pay -- limiting authority to impose**
9 **registration fees.** (1) In addition to the license fees required of applicants, a licensed physician actively
10 practicing medicine in this state shall pay ~~each year~~ to the department ~~an annual~~ a registration fee as
11 prescribed by the board.

12 (2) The ~~annual~~ payments for registration must be made prior to ~~April 1,~~ the expiration date of the
13 registration, as set forth in a board DEPARTMENT rule, and a receipt acknowledging payment of the ~~annual~~
14 registration fee must be issued by the department. The department shall mail registration notices at least
15 60 days before the registration is due.

16 (3) In case of default in the payment of the ~~annual~~ registration fee by a person licensed to practice
17 medicine who is actively practicing medicine in this state, the underlying certificate to practice medicine
18 may be revoked by the board on 30 days' notice given to the delinquent of the time and place of
19 considering the revocation. A registered or certified letter addressed to the last-known address of the
20 person failing to comply with the requirements of ~~annual~~ registration, as the address appears on the records
21 of the department, constitutes sufficient notice of intention to revoke the underlying certificate. A certificate
22 may not be revoked for nonpayment if the person authorized to practice medicine, and notified, pays the
23 ~~annual~~ registration fee before or at the time fixed for consideration of revocation, together with a
24 delinquency penalty prescribed by the board. The department may collect the dues by an action at law.

25 (4) A registration or license fee may not be imposed on a licensee under this chapter by a
26 municipality or any other subdivision of the state."
27

28 **Section 6.** Section 37-4-307, MCA, is amended to read:

29 "**37-4-307. ~~Annual renewal~~ Renewal fee -- default -- local fees prohibited.** (1) Every licensed
30 dentist shall pay ~~each year~~ a renewal fee to the board. The renewal fee must be set by the board

1 commensurate with costs. Notice of the change in the amount of renewal fees must be given to each
2 dentist registered in this state by the department.

3 (2) Payment of the ~~annual~~ renewal fee must be made ~~each year~~ on or before the license expiration
4 date set by department rule, and a license renewal must be issued by the department. A reasonable late
5 fee must be required by the department if the ~~annual~~ renewal fee is not ~~timely~~ paid in a timely manner.

6 (3) (a) In case of default in payment of the ~~annual~~ renewal fee by a licensee, the license must be
7 revoked by the board. The board shall give the licensee 30 days' notice of its proposed revocation action.
8 The notice must be sent by certified letter addressed to the last-known address of the licensee and must
9 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~~ renewal period they were unpaid, plus a late penalty fee for
15 each ~~year~~ renewal period;

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

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

20 (4) Each dentist shall give the board notice of any change in name, address, or status within 30
21 days of the change.

22 (5) A unit of local government, including those exercising self-government powers, may not impose
23 a license fee on a dentist licensed under this chapter."
24

25 **Section 7.** Section 37-4-326, MCA, is amended to read:

26 **"37-4-326. Acts constituting misdemeanors.** ~~Any~~ A person, company, or association ~~shall be is~~
27 guilty of a misdemeanor and upon conviction ~~thereof shall be punishable~~ shall be punished with a fine of
28 not less than \$50 or more than \$200 or by imprisonment for not more than 6 months in the county jail or
29 ~~by both such fine and imprisonment who shall~~ if the person, company, or association:

30 (1) ~~sell or barter or offer to sell or barter any~~ sells, barter, or offers to sell or barter a diploma or

1 document conferring or purporting to confer any dental degree or any certificate or transcript made or
 2 purporting to be made pursuant to the laws regulating the license and regulation of dentists;

3 (2) ~~purchase or procure by barter any such~~ purchases or procures by barter a diploma, certificate,
 4 or transcript with the intent that the same shall be used ~~of using the diploma, certificate, or transcript as~~
 5 evidence of the holder's qualification to practice dentistry or in fraud of the laws regulating ~~such~~ dental
 6 practice;

7 (3) with fraudulent intent, alter in a material regard ~~any such~~ a diploma, certificate, or transcript;

8 (4) use or attempt to use ~~any such~~ a diploma, certificate, or transcript ~~which~~ that has been
 9 purchased, fraudulently issued, counterfeited, or materially altered, either as a license or color of license
 10 to practice dentistry or in order to procure registration as a dentist;

11 (5) practice dentistry under a false or assumed name;

12 (6) in an affidavit required of an applicant for examination, license, or registration under this
 13 chapter, willfully make a false statement in a material regard;

14 (7) engage in the practice of dentistry under any title or name without causing to be displayed in
 15 a conspicuous manner and in a conspicuous place in ~~his or her~~ the office the required ~~annual registration~~
 16 certificate for the current ~~year~~ period of licensed practice; or

17 (8) within 10 days after demand made by the secretary of the board, fail to furnish to ~~said the~~ the
 18 board the names and addresses of all persons practicing or assisting in the practice of dentistry in the office
 19 of ~~said the~~ the person, company, or association at any time within 60 days prior to ~~said the~~ the notice, together
 20 with a sworn statement showing under and by what license or authority ~~said the~~ the person, company, or
 21 association and ~~said the~~ the employee are and have been practicing dentistry, but ~~said the~~ the affidavit ~~shall~~ may
 22 not be used as evidence against ~~said the~~ the person, company, or association in any proceeding under this
 23 section."
 24

25 **Section 8.** Section 37-4-406, MCA, is amended to read:

26 **"37-4-406. ~~Annual renewal~~ Renewal fee -- default -- revocation of license -- local fees prohibited.**

27 (1) Each licensed dental hygienist shall pay ~~each year~~ a renewal fee to the board. The renewal fee must be
 28 set by the board commensurate with costs.

29 (2) Payment of the ~~annual~~ renewal fee must be made on or before the license expiration date set
 30 by department rule, and a license renewal must be issued by the department. A reasonable late fee must

1 be required if the ~~annual~~ renewal fee is not ~~timely~~ paid in a timely manner.

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

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

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

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

11 (i) renewal fees are paid for each ~~year~~ period they were unpaid, plus a late penalty for each ~~year~~
12 period;

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

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

17 (4) Each dental hygienist shall give the board notice of any change in name, address, or status
18 within 30 days of the change.

19 (5) The board may, after a hearing, revoke or suspend the license of a dental hygienist for violating
20 this chapter.

21 (6) A unit of local government, including those exercising self-government powers, may not impose
22 a license fee on a dental hygienist licensed under this chapter."
23

24 **Section 9.** Section 37-6-304, MCA, is amended to read:

25 **"37-6-304. Designations on license -- recording -- renewal -- display.** (1) A license issued under
26 this chapter is designated as a "registered podiatrist's license" or a "temporary podiatrist's license".

27 (2) Licenses must be recorded by the department the same as other medical licenses.

28 (3) Licenses must be renewed ~~annually~~, on a date set by ~~the department~~ rule.

29 (4) A license renewal fee set by the board must be paid ~~annually~~ on a date set by ~~the department~~
30 rule.

1 (5) The department shall mail renewal notices no later than 60 days prior to the ~~annual~~ renewal
2 date.

3 (6) If the ~~annual~~ renewal fee is not paid on or before the renewal date, the board may revoke the
4 licensee's certificate after giving 30 days' notice to the licensee. A certified letter addressed to the
5 delinquent licensee's last-known address as it appears on the records of the department constitutes notice
6 of intent to revoke the certificate. A certificate may not be revoked for nonpayment of a renewal fee if the
7 licensee pays the ~~annual~~ renewal fee plus a penalty prescribed by the board on or before the date fixed for
8 revocation.

9 (7) A license revoked for nonpayment of the ~~annual~~ renewal fee may be reissued only on original
10 application and payment of an additional fee prescribed by the board.

11 (8) Licenses must be conspicuously displayed by podiatrists at their offices or other places of
12 practice."
13

14 **Section 10.** Section 37-7-303, MCA, is amended to read:

15 "**37-7-303. ~~Annual renewal~~ Renewal fee.** A person licensed and registered by the department shall
16 ~~annually~~ pay to the department on or before the license expiration date set by department rule a renewal
17 of registration fee prescribed by the board. A default in the payment of a renewal fee after the date it is
18 due increases the renewal fee as prescribed by the board. It is unlawful for a person who refuses or fails
19 to pay the renewal fee to practice pharmacy in this state. A certificate and renewal expires at the time
20 prescribed, ~~not later than 1 year from its date by board~~ DEPARTMENT rule. A defaulter in a renewal fee
21 may be reinstated within 1 year of the default without examination on payment of the arrears and
22 compliance with other requirements prescribed by law."
23

24 **Section 11.** Section 37-7-321, MCA, is amended to read:

25 "**37-7-321. Certified pharmacy license.** (1) The board shall provide for the original certification and
26 ~~annual~~ renewal by the department of every pharmacy doing business in this state. On presentation of
27 evidence satisfactory to the board and on application on a form prescribed by the board and on the
28 payment of an original certification fee prescribed by the board, the department shall issue a license to a
29 pharmacy as a certified pharmacy. However, the license may be granted only to pharmacies operated by
30 registered pharmacists qualified under this chapter. The ~~annual~~ renewal fee for a pharmacy must be set by

1 the board. Any default in the payment of the renewal fee after the date the ~~same~~ fee is due increases the
 2 renewal fee as prescribed by the board. The license must be displayed in a conspicuous place in the
 3 pharmacy for which it is issued and expires on the date set by department rule. It is unlawful for a person
 4 to conduct a pharmacy, use the word "pharmacy" to identify the business, or use the word "pharmacy"
 5 in advertising unless a license has been issued and is in effect.

6 (2) The board may impose discipline or deny or refuse to renew a pharmacy license for reasons
 7 specified in and subject to conditions specified in Title 37, chapter 1."

8

9 **Section 12.** Section 37-7-606, MCA, is amended to read:

10 "**37-7-606. Issuance of licenses.** The license for wholesale drug distributors is effective during the
 11 ~~12-month~~ period specified by department rule. An application for renewal of a license must be mailed to
 12 each licensee at least 30 days prior to the renewal date, and if the renewal application and the fee are not
 13 mailed by the renewal date, the license is void upon its expiration date."

14

15 **Section 13.** Section 37-7-703, MCA, is amended to read:

16 "**37-7-703. Registration requirements.** Each out-of-state mail service pharmacy must be registered
 17 with the board of pharmacy. In order to be registered with the board to do business in this state and for
 18 ~~annual~~ the renewal of its registration, an out-of-state mail service pharmacy:

19 (1) (a) shall submit a certificate from the appropriate licensing authority with which it is currently
 20 licensed and in good standing in the state in which its dispensing facilities are located; and

21 (b) shall comply with all applicable laws, regulations, and standards of that state and the United
 22 States and, if requested by the board, provide evidence that it has ~~so~~ complied;

23 (2) shall register with the board and provide information on ownership and location, including the
 24 names and titles of the corporate officers, of the out-of-state mail service pharmacy and the identity of a
 25 pharmacist licensed in the state in which the pharmacy is located who is in charge of dispensing
 26 prescriptions for shipment to Montana from the out-of-state mail service pharmacy;

27 (3) shall submit a utilization plan for the employment of pharmacy technicians if allowed by the
 28 state where the mail service pharmacy is located. If the state in which the pharmacy is located does not
 29 establish a ratio of technicians to pharmacists for determining the number of pharmacy technicians or
 30 otherwise define the role of the pharmacist in compounding or dispensing drugs at the pharmacy, then the

1 out-of-state mail service pharmacy may not allow a pharmacist to supervise more than one supportive
2 person at any one time in the compounding or dispensing of prescription drugs, unless approved by the
3 board as provided in 37-7-307 through 37-7-309.

4 (4) shall submit to the board proof of the pharmacist's good standing with the licensing authority
5 in the state where the pharmacist is employed and the pharmacist's written commitment to comply with
6 the utilization plan, if any, for each pharmacist identified under subsection (2) and shall provide to the board
7 the same toll-free telephone service referenced in 37-7-706 in order to comply with all information requests
8 by the board; and

9 (5) shall pay an initial registration fee and ~~annual~~ a periodic renewal fee in an amount ~~and at a time~~
10 to be determined by the board AND AT A TIME ESTABLISHED BY THE DEPARTMENT BY RULE."

11

12 **Section 14.** Section 37-8-431, MCA, is amended to read:

13 **"37-8-431. Renewal of license.** (1) The license of a person licensed under this chapter must be
14 ~~annually~~ renewed on the date set by department rule. At least 30 days prior to the renewal date, the
15 department shall mail an application form for renewal of license to each person to whom a license was
16 issued or renewed during the year. The applicant shall carefully complete and subscribe the application form
17 and return it to the department with a renewal fee prescribed by the board on or before the renewal date.

18 (2) The board may increase or decrease the ~~annual~~ license fee so as to maintain in the state special
19 revenue fund at all times an adequate amount to be used for the purpose of administering, policing, and
20 enforcing the provisions of Title 37, chapter 1, and this chapter. On receipt of the application and fee, the
21 department shall verify the accuracy of the application against its record and from other sources the board
22 considers reliable and issue to the applicant a certificate of renewal. The certificate of renewal renders the
23 holder a legal practitioner of nursing for the period stated in the certificate of renewal.

24 (3) A licensee who allows the license to lapse by failing to renew the license may be reinstated by
25 the board on satisfactory explanation for the failure to renew license and on payment of the current renewal
26 fee prescribed by the board.

27 (4) A person practicing nursing during the time following the date the license has expired is an
28 illegal practitioner and is subject to the penalties provided for violations of this chapter.

29 (5) The board may establish a reasonable late fee for licensees who fail to renew their license by
30 the renewal date."

1 **Section 15.** Section 37-9-304, MCA, is amended to read:

2 **"37-9-304. Fees.** (1) Each person who applies for licensure, whether by waiver, examination, or
3 reciprocation, shall pay a fee prescribed by the board at the time of application.

4 (2) Each person licensed as a nursing home administrator shall pay a license fee in an amount fixed
5 by the board. A license expires ~~each year~~ on a date set by department rule and must be ~~renewable annually~~
6 renewed upon timely payment of the license fee.

7 (3) The fee for issuing a duplicate license must be fixed by the board."
8

9 **Section 16.** Section 37-9-305, MCA, is amended to read:

10 **"37-9-305. Renewal of registration and license.** Each holder of a nursing home administrator's
11 registration and license shall renew it ~~annually~~ by payment of the required fee for the next subsequent ~~year~~
12 period prior to the expiration date of the currently valid registration and license. Renewals of registrations
13 or licenses must be granted as a matter of course. However, if the board finds, after ~~due~~ notice and
14 hearing, that the applicant has acted or failed to act in a manner or under circumstances that would
15 constitute grounds for discipline, it may not issue the renewal."
16

17 **Section 17.** Section 37-10-307, MCA, is amended to read:

18 **"37-10-307. ~~Annual renewal~~ Renewal -- fee.** A registered optometrist who desires to continue the
19 practice of optometry in this state shall, before the license expiration date established by rule of the
20 department, ~~annually~~ pay to the department a renewal fee prescribed by the board in return for which a
21 renewal of registration ~~shall~~ must be issued. If a person fails or neglects to procure ~~his annual~~ a renewal
22 of registration, ~~his~~ the person's certificate of registration ~~shall~~ must be revoked by the board; ~~however~~ .
23 However, no a certificate of registration may not be revoked without 90 days' notice having been given
24 to the delinquent, who within this period may renew ~~his~~ the certificate of registration on the payment of
25 the renewal fee with a penalty prescribed by the board."
26

27 **Section 18.** Section 37-11-308, MCA, is amended to read:

28 **"37-11-308. ~~Annual renewal~~ Renewal of license -- fee.** A licensed physical therapist and a licensed
29 physical therapist assistant shall, on or before the date set by department rule, apply to the department for
30 a license renewal and pay a fee set by board rule. A license that is not renewed before the renewal date

1 automatically lapses. The board may, in its discretion, revive and renew a lapsed license on the payment
2 of all past unpaid renewal fees or a late renewal fee."

3

4 **Section 19.** Section 37-12-307, MCA, is amended to read:

5 **"37-12-307. ~~Annual renewal~~ Renewal of license -- fees.** A license expires on the date set by
6 department rule and must be renewed by the department on payment of a renewal fee, as set by the board,
7 and the presentation of evidence satisfactory to the board that the licensee qualifies for renewal. All
8 applicants for renewal who have not paid the renewal fee on or before the renewal date shall pay an
9 additional late fee prescribed by the board."

10

11 **Section 20.** Section 37-13-306, MCA, is amended to read:

12 **"37-13-306. ~~Annual renewal~~ Renewal -- fee -- military exemption.** (1) The license to practice
13 acupuncture must be renewed ~~annually~~, on a date set by the department, without examination and upon
14 request of the licensee. The request for renewal must be on forms prescribed by the board and
15 accompanied by a renewal fee prescribed by the board. The request and fee must be in the hands of the
16 secretary of the board not later than the expiration date of the license.

17 (2) Immediately following the renewal date, the secretary shall notify all licensees from whom
18 requests for renewal, accompanied by the renewal fee, have not been received that their licenses have
19 expired and that they will be cancelled and revoked upon the records of the board unless a request for
20 renewal and reinstatement, accompanied by the renewal fee and an additional fee prescribed by the board,
21 is in the hands of the secretary within 30 days of the renewal date.

22 (3) If the licensee fails to renew within 30 days following the renewal date, the secretary of the
23 board shall cancel and revoke upon ~~its~~ the board's records all licenses that have not been renewed or
24 reinstated as provided by this chapter and shall notify the licensees whose licenses are revoked of the
25 action.

26 (4) A licensee who allows the license to lapse by failing to renew or reinstate the license as
27 provided in this section may subsequently reinstate the license upon good cause shown to the satisfaction
28 of the board and upon payment of all ~~annual~~ renewal fees then accrued plus an additional fee prescribed
29 by the board for each ~~year~~ renewal period following the cancelling of the license.

30 (5) A person actively engaged in the military service of the United States and licensed to practice

1 acupuncture as provided in this part is not required to pay the ~~annual~~ renewal fee or make application for
 2 renewal until the renewal date of the calendar ~~year~~ period in which the person returns from military service
 3 to civilian or inactive status."

4
 5 **Section 21.** Section 37-14-310, MCA, is amended to read:

6 **"37-14-310. ~~Annual renewal~~ Renewal -- fee -- reissuance of license.** (1) Licenses expire ~~annually~~
 7 on the date established by rule of the department.

8 (2) A license ~~shall~~ must be renewed by the board upon payment of a license fee set by the board
 9 and submission of a renewal application containing ~~such~~ information ~~as that~~ the board considers necessary
 10 to show that the applicant for renewal is a radiologic technologist in good standing.

11 (3) A radiologic technologist who has been licensed in Montana and whose license has not been
 12 revoked or suspended and who has temporarily ceased activities as a radiologic technologist for not more
 13 than 5 years may apply for reissuance of a license upon complying with the provisions of this section,
 14 including payment of an application fee."

15
 16 **Section 22.** Section 37-16-407, MCA, is amended to read:

17 **"37-16-407. Renewal of license -- fee -- inactive status.** (1) A person who practices the fitting of
 18 hearing aids and related devices shall ~~annually~~ pay to the department a fee as set by the board for a
 19 renewal of the person's license. The fee must be fixed by the board to be commensurate with board costs
 20 in administering licensure and related board functions. The fee must be increased 10% for each month or
 21 major portion of a month that the payment of the renewal fee is delayed after the expiration date. The
 22 maximum fee for a delayed renewal may not exceed twice the normal renewal fee as set by the board. A
 23 person applying for renewal whose license was suspended for failure to renew is required to submit to the
 24 examinations described in 37-16-403 as a condition of renewal for a 3-year period after suspension.

25 (2) Each applicant for license renewal shall submit evidence showing completion of 10 hours of
 26 continuing education completed during the preceding 12 months. The requirements of the continuing
 27 education programs are to be determined by the board by rule.

28 (3) (a) The board may set standards and fees for issuing licenses that designate inactive status.

29 (b) An inactive licensee may be reinstated to active practice if the inactive licensee:

30 (i) applies for reinstatement;

- 1 (ii) pays a fee set by the board; and
 2 (iii) produces proof satisfactory to the board of completion of the continuing education requirements
 3 established by the board."
 4

5 **Section 23.** Section 37-18-307, MCA, is amended to read:

6 **"37-18-307. Renewal -- fee -- continuing education -- automatic renewal for military personnel.**

7 (1) A person licensed to practice veterinary medicine in this state shall procure a certificate of registration
 8 from the department ~~annually~~ on or before the date set by department rule. The certificate must be issued
 9 by the department on the payment of a fee fixed by the board and on presentation of evidence satisfactory
 10 to the board that the licensee qualifies for renewal.

11 (2) Failure of a person licensed to procure a certificate of registration on or before the date set by
 12 department rule constitutes a forfeiture of the license held by the person. A person who has forfeited the
 13 license may have it restored by making written application for restoration within 1 year of the forfeiture,
 14 setting forth the reasons for failure to procure the certificate of registration at the time specified and
 15 accompanied by payment of the registration fee provided for in this section and an additional restoration
 16 fee as the board requires. The person making application for restoration of license within 1 year of its
 17 forfeiture is not required to submit to examination.

18 (3) Notwithstanding any other provisions in this chapter, a person licensed who enters or is called
 19 to active duty by a branch of the armed services of the United States is entitled to receive automatic
 20 registration of the license during the period of active duty with the armed services. However, within 1 year
 21 after release or discharge from duty in the armed services the person shall procure a certificate of renewal
 22 from the department and pay the regular fee. Failure to procure the certificate of renewal within 1 year after
 23 release or discharge is the equivalent of a failure to procure a certificate of registration before ~~November~~
 24 ~~1 of any year~~ the date set by department rule, and the same forfeiture and restoration requirements apply.

25 (4) A person licensed ~~shall~~ must at all times have the person's residence and office address on file
 26 with the department."
 27

28 **Section 24.** Section 37-19-301, MCA, is amended to read:

29 **"37-19-301. Funeral director's license -- renewal -- fee.** The practice of funeral directing by anyone
 30 who does not hold a funeral director's license or a mortician's license issued by the department is

1 prohibited. A person licensed to practice funeral directing ~~on June 1, 1963,~~ is entitled to ~~an annual~~ the
 2 renewal of the license on payment of a renewal fee to the department on or before the date set by
 3 department rule. The amount of the ~~annual~~ renewal license fee must be set by the board."

4
 5 **Section 25.** Section 37-19-304, MCA, is amended to read:

6 **"37-19-304. Issuance of intern's license -- license fee -- issuance of mortician's license on**
 7 **completion of internship.** An applicant who passes the examination provided for in 37-19-302 shall, upon
 8 payment of a license fee prescribed by the board, be granted an intern mortician's license to practice
 9 mortuary science under the supervision of a licensed mortician in a licensed mortuary in Montana and, upon
 10 completion of 1 year's internship and payment of the ~~annual~~ license fee, may apply for and receive a
 11 mortician's license."

12
 13 **Section 26.** Section 37-19-306, MCA, is amended to read:

14 **"37-19-306. ~~Annual renewal~~ Renewal of mortician's license -- fee -- suspension for nonrenewal.**
 15 (1) The ~~annual~~ license fee for a mortician's license must be postmarked on or before the date set by
 16 department rule. The amount of the ~~annual~~ renewal fee must be set by the board.

17 (2) Failure to pay the ~~annual~~ renewal fee results in automatic suspension of the license. The license
 18 may be reinstated by the payment of unpaid renewal fees plus a penalty prescribed by the board."

19
 20 **Section 27.** Section 37-20-203, MCA, is amended to read:

21 **"37-20-203. Licensing of physician assistants-certified.** The Montana state board of medical
 22 examiners may issue the following two forms of physician assistants-certified licenses under its seal:

23 (1) a permanent license, signed by the president and subject to ~~annual~~ periodic renewal; and

24 (2) a temporary license, signed by any member of the board and subject to specifications and
 25 limitations imposed by the board."

26
 27 **Section 28.** Section 37-20-302, MCA, is amended to read:

28 **"37-20-302. Utilization plan approval fee -- renewal of license -- renewal fee.** (1) A utilization plan
 29 approval fee must be paid in an amount set by the board. Payment must be made when the utilization plan
 30 is submitted to the board and is not refundable.

1 (2) A locum tenens utilization plan approval fee must be paid in an amount set by the board.

2 (3) A license issued under this part must be renewed ~~annually~~, for a period and on a date set by
3 the department.

4 (4) A license renewal fee set by the board must be paid at the time the license is renewed.

5 (5) The department shall mail a renewal notice no later than 60 days prior to the renewal date. A
6 certified letter addressed to the delinquent licensee's last-known address as it appears on the records of
7 the department constitutes notice of intent to revoke the license.

8 (6) If the ~~annual~~ license renewal fee is not paid on or before the renewal date, the board may
9 revoke the license after giving 30 days' notice to the licensee. A license may not be revoked for
10 nonpayment of a renewal fee if the licensee pays the ~~annual~~ renewal fee plus a penalty prescribed by the
11 board on or before the date fixed for revocation.

12 (7) Fees received by the department must be deposited in the state special revenue fund for use
13 by the board in the administration of this chapter, subject to 37-1-101(6)."

14

15 **Section 29.** Section 37-23-203, MCA, is amended to read:

16 "**37-23-203. Issuance, effective date, and display of license.** (1) If an applicant meets the
17 requirements contained in 37-23-202 and has paid the appropriate fees, the board shall issue a license to
18 the applicant attesting to the date and fact of licensure. The license is effective on the date of issuance and
19 must be renewed ~~every year~~ as provided in 37-23-205.

20 (2) The license must be displayed in the registrant's place of business or employment."

21

22 **Section 30.** Section 37-23-205, MCA, is amended to read:

23 "**37-23-205. Renewal of license.** (1) ~~A license may be issued for no longer than 1 year.~~ The
24 department may adopt rules to provide for ~~annual~~ the renewal of an existing license.

25 (2) An application for renewal of an existing license must be made on or before the expiration date
26 set by department rule.

27 (3) Application for renewal must be made upon a form provided by the department. A renewal
28 license must be issued upon payment of a renewal fee set by the board and upon submitting proof of
29 qualification for renewal.

30 (4) The renewal fee is increased by 10% for each month or part of a month that the renewal is

1 delayed. The maximum fee for delayed renewal may not exceed twice the normal renewal fee.

2 (5) A license not renewed within 1 year following its expiration date terminates automatically."

3

4 **Section 31.** Section 37-25-307, MCA, is amended to read:

5 "**37-25-307. Renewal of license.** (1) An application for renewal of license must be made ~~annually~~
6 for a period and on a date set by the department.

7 (2) A renewal license must be issued when the applicant submits proof that requirements for
8 continued licensure have been met and pays a renewal fee set by the board commensurate with costs.

9 (3) An additional fee may be imposed on applications for renewal received by the board more than
10 30 days after the ~~annual~~ license renewal date."

11

12 **Section 32.** Section 37-27-205, MCA, is amended to read:

13 "**37-27-205. Provisional license -- apprentice license.** (1) Upon payment of a \$200 fee to the
14 department, the board may grant a provisional direct-entry midwife license only to a person who filed an
15 affidavit required by section 2, Chapter 493, Laws of 1989.

16 (2) The provisional license is valid until the issuance of grades for the first examination
17 administered pursuant to 37-27-202.

18 (3) Upon payment of a \$200 fee to the department, the board may grant an apprentice direct-entry
19 midwife license to a person who:

20 (a) is working under the personal supervision of a licensed direct-entry midwife, a certified
21 nurse-midwife, a physician licensed under Title 37, chapter 3, or a licensed naturopathic physician who is
22 certified for the specialty practice of naturopathic childbirth attendance; and

23 (b) is seeking licensure as a direct-entry midwife under this chapter.

24 (4) An apprentice direct-entry midwife license is valid for ~~4-year~~ a period prescribed by board
25 DEPARTMENT OF COMMERCE rule and must be renewed ~~annually~~ at an interval established by the board
26 DEPARTMENT OF COMMERCE, with a limit of four renewals."

27

28 **Section 33.** Section 37-29-304, MCA, is amended to read:

29 "**37-29-304. Applications and fees.** (1) The board is initially entitled to charge and collect the
30 following fees:

- 1 (a) \$200 application for licensing;
- 2 (b) \$200 for original license;
- 3 (c) \$200 ~~annual~~ license renewal fee;
- 4 (d) \$200 for examination or reexamination, provided that if on reexamination only the written
- 5 examination is required, the fee is \$100; and
- 6 (e) \$50 for a duplicate or replacement license or a license for a second address, provided that ~~no~~
- 7 a dentist may not hold licenses bearing more than two different addresses.
- 8 (2) The board may set other fees and modify the initial fees in accordance with the provisions of
- 9 37-1-134."

10

11 **Section 34.** Section 37-29-306, MCA, is amended to read:

12 "**37-29-306. Licensing.** (1) A dentist license is valid for a period ~~of 1 year~~ established by

13 department rule and expires on the date set by department rule. A renewal license must be issued upon

14 timely payment of the renewal fee and the submission of proof of continued qualification for licensure. In

15 addition, the dentist shall submit proof that the dentist holds a current cardiopulmonary resuscitation

16 card. The license must bear on its face the address where the licensee's dentist services will be

17 performed.

18 (2) Applications must be submitted on forms approved by the board and furnished by the

19 department. Each application must include all other ~~documentations~~ documentation necessary to establish

20 that the applicant meets the requirements for licensure and is eligible to take the licensure examination.

21 Applications must be accompanied by the appropriate fees."

22

23 **Section 35.** Section 37-30-310, MCA, is amended to read:

24 "**37-30-310. Instructor's certificate required -- application and qualification -- fees.** (1) Except as

25 provided in subsection (3), ~~no~~ a person may not, for a fee, instruct another in the practice of barbering

26 unless that person holds an instructor's certificate issued by the board.

27 (2) The board shall issue an instructor's certificate to:

28 (a) any person engaged as an instructor in a barber college on October 1, 1983, upon payment of

29 the certification fee; or

30 (b) any person who passes the instructor's examination given by the department and pays a

1 certification fee established by the board.

2 (3) This section does not apply to persons paying the ~~annual~~ license fee required by 37-30-424."

3

4 **Section 36.** Section 37-30-424, MCA, is amended to read:

5 **"37-30-424. Fee for advanced barber training program, clinic, or seminar.** ~~Any~~ A person who is
6 not a resident of this state ~~conducting~~ who conducts in this state any advanced barber training program,
7 clinic, or seminar for barbers as defined in this chapter shall pay ~~an annual~~ a license fee prescribed by the
8 board to the department or a 10-day license fee prescribed by the board and display the license while
9 operating. ~~Any such~~ An advanced barber training program, clinic, or seminar may be inspected by the
10 department at reasonable times during operation."

11

12 **Section 37.** Section 37-30-423, MCA, is amended to read:

13 **"37-30-423. Initial inspection fee -- renewal.** (1) In addition to the fees and charges provided by
14 law on March 11, 1939, barbershops established prior to that date and ~~which~~ that had been under the
15 inspection of the board shall pay ~~an annual~~ a license fee set by the board based on clerical and
16 administrative costs. Barbershops established after March 11, 1939, shall pay an initial inspection fee
17 prescribed by the board for the first ~~year or portion thereof~~ licensure period or portion of the licensure
18 period and shall pay ~~an annual~~ a license fee set by the board.

19 (2) Barbershop, school, or college licenses, once issued, expire ~~each year~~ on the date established
20 by rule of the department, and an owner or manager of a barbershop, school, or college ~~which~~ that
21 continues in active operation shall ~~annually~~, before the expiration date, renew ~~his~~ the barbershop, school,
22 or college license and pay the required fee. A barbershop ~~which~~ that fails to have the license renewed
23 before the expiration date ~~each year~~ shall, on renewal, pay a penalty prescribed by the board, and a barber
24 school or college ~~which~~ that fails to have the license renewed before the expiration date ~~each year~~ shall,
25 on renewal, pay a penalty prescribed by the board."

26

27 **Section 38.** Section 37-31-302, MCA, is amended to read:

28 **"37-31-302. License required to practice, teach, or operate salon, booth, or school.** (1) A person
29 may not practice or teach cosmetology or practice or teach manicuring without a license.

30 (2) A place may not be used or maintained for the teaching of cosmetology or manicuring for

1 compensation except under a certificate of registration.

2 (3) A person may not operate or manage a cosmetology salon or a manicuring salon or practice
3 cosmetology or manicuring without a manager-operator license.

4 (4) A person may not operate or conduct a school of cosmetology or a school of manicuring and
5 teach the art of cosmetology or manicuring without a license to teach cosmetology.

6 (5) A person may not manage or operate a booth without a booth rental license.

7 (6) A person, firm, partnership, or corporation desiring to operate a cosmetology salon shall make
8 an application to the department for a certificate of registration and license. The application must be
9 accompanied by the ~~annual~~ registration fee.

10 (7) A license may not be issued until the inspection fees required in 37-31-312 have been paid."
11

12 **Section 39.** Section 37-32-305, MCA, is amended to read:

13 **"37-32-305. Fees -- renewal -- deposit of money collected.** (1) The fee for an original electrologist
14 license must be set by the board. The renewal is automatic, unless revoked or suspended for cause, and
15 the renewal fee must be set by the board.

16 (2) The fee for an original electrologist salon license fee must be the same as that for cosmetology
17 salons. The renewal fee must be the same as that for cosmetology salons.

18 (3) A license issued under this chapter expires on the date set by department rule and may be
19 renewed ~~annually~~ at periodic intervals as determined by department rule. Failure to renew subjects the
20 licensee to a late renewal fee prescribed by the board to be added to the regular renewal fee. The right to
21 renew by payment of the late renewal fee expires after 3 years of nonpayment.

22 (4) All fees or money collected by the department under this chapter must be deposited in the state
23 special revenue fund for the use of the board in administration of the chapter."
24

25 **Section 40.** Section 37-40-203, MCA, is amended to read:

26 **"37-40-203. Rulemaking power.** (1) The board may adopt rules, consistent with the purposes of
27 this chapter, as it considers necessary.

28 (2) The board's rulemaking and hearing functions must be in accordance with the Montana
29 Administrative Procedure Act. The board shall adopt rules:

30 (a) establishing standards of professional conduct in order to maintain a high standard of integrity,

1 dignity, and competency in the profession of sanitarian, including competency in specific fields of
2 sanitation;

3 (b) governing the conduct of matters before the board;

4 (c) governing educational equivalency requirements, as provided in 37-40-302, for registration of
5 sanitarians; and

6 (d) defining qualifications for sanitarian-in-training status for issuance of the initial ~~annual~~ permit."
7

8 **Section 41.** Section 37-40-304, MCA, is amended to read:

9 **"37-40-304. Fees -- renewal.** (1) An applicant for a license shall pay a fee set by the board in an
10 amount commensurate with examination and administrative costs.

11 (2) A registered sanitarian may renew the license by paying ~~an annual~~ a renewal fee and meeting
12 qualifications set by the board.

13 (3) Renewal fees are due on or before the renewal date set by department rule. If the renewal fee
14 is not paid, the license expires. Licenses which have lapsed for failure to pay renewal fees may be reissued
15 under rules adopted by the board."
16

17 **Section 42.** Section 37-50-203, MCA, is amended to read:

18 **"37-50-203. Rules of the board.** (1) The board may adopt rules, consistent with the purposes of
19 this chapter, as it considers necessary.

20 (2) The board shall adopt:

21 (a) rules of professional conduct appropriate to establish and maintain a high standard of integrity,
22 dignity, and competency in the profession of public accounting, including competency in specific fields of
23 public accounting;

24 (b) rules of procedure governing the conduct of matters before the board;

25 (c) rules governing education requirements, as provided in 37-50-305, for issuance of the
26 certificate of a certified public accountant and the license for licensed public accountant;

27 (d) rules governing partnerships and corporations practicing public accounting, including but not
28 limited to rules concerning their style, name, title, and affiliation with any other organization and
29 establishing reasonable standards with respect to professional liability insurance and unimpaired capital and
30 prescribing joint and several liability for torts relating to professional services for shareholders of any

1 corporation failing to comply with the standards;

2 (e) rules defining requirements for accounting experience, not exceeding 2 years, for issuance of
3 the initial ~~annual~~ permit; and

4 (f) rules to enforce the provisions of this chapter. The purpose of the rules must be to provide for
5 the monitoring of the profession of public accounting and to maintain the quality of the accounting
6 profession."

7

8 **Section 43.** Section 37-50-314, MCA, is amended to read:

9 **"37-50-314. ~~Annual permit~~ Permit required -- display.** (1) A person may not engage in the practice
10 of public accounting in this state without a current ~~annual~~ permit issued by the department. ~~An annual A~~
11 permit to engage in the practice of public accounting in this state must be issued by the department to a
12 person who holds a current certificate as a certified public accountant or license as a licensed public
13 accountant and complies with the requirements of this chapter.

14 (2) The current ~~annual~~ permit to engage in the practice of public accounting must be prominently
15 displayed for public inspection."

16

17 **Section 44.** Section 37-50-317, MCA, is amended to read:

18 **"37-50-317. Certificate, license, and permit expiration -- renewal fees.** (1) Certificates, licenses,
19 and permits issued by the board expire on the date set by department rule.

20 (2) Certificates and licenses must be renewed by the department upon payment of the ~~annual~~
21 periodic renewal fee set by the board and upon compliance with requirements prescribed by the board.

22 (3) Permits must be renewed by the department upon payment of the ~~annual~~ periodic renewal fee
23 and upon compliance with the requirements prescribed by the board."

24

25 **Section 45.** Section 37-51-310, MCA, is amended to read:

26 **"37-51-310. ~~Annual renewal~~ Renewal.** (1) ~~Except as provided in subsection (2), annual fees~~
27 License fees are due and payable for the ensuing year licensure period ~~during the month of December of~~
28 ~~each year~~ at a time prescribed by board DEPARTMENT rule. Failure to remit annual renewal fees before
29 January 4 the expiration date of the licensure period automatically cancels the license, but otherwise the
30 license remains in effect continuously from the date of issuance unless suspended or revoked by the board

1 for just cause.

2 ~~(2) The board may by rule change the annual renewal and automatic cancellation dates provided~~
 3 ~~for in subsection (1).~~

4 ~~(3)(2)~~ A licensee who allows ~~his~~ the license to lapse by failing to remit the ~~annual~~ fees before
 5 ~~January 1~~ the expiration date may have ~~his~~ the license reinstated by the board by:

6 (a) within 45 days after ~~January 1~~ the expiration date, providing a satisfactory explanation to the
 7 board for ~~his~~ the licensee's failure to renew the license; and

8 (b) paying the current renewal fee prescribed by the board.

9 ~~(4)(3)~~ The board may also charge a late fee equal to twice the current renewal fee, but no less than
 10 \$100, to a licensee who does not renew ~~his~~ the license as required by subsection (1)."

11

12 **Section 46.** Section 37-51-603, MCA, is amended to read:

13 **"37-51-603. Qualification of property manager applicants -- examination -- form of licenses. (1)**

14 The board by rule shall require an applicant for licensure to provide information that the board believes is
 15 necessary to ensure that a person granted a property manager license is of good repute and competent to
 16 transact the business of a property manager in a manner that safeguards the welfare and safety of the
 17 public.

18 (2) (a) The board shall require an applicant for a property manager license to:

19 (i) apply for licensure to the department;

20 (ii) furnish written evidence that the applicant has completed the number of classroom hours that
 21 the board determines appropriate in a course of study approved by the board and taught by instructors
 22 approved by the board; and

23 (iii) satisfactorily complete an examination dealing with the material taught in the course of study.

24 (b) The course of study must include the subjects of real estate leasing principles, real estate
 25 leasing law, and related topics.

26 (3) Examinations must be given at least once every 4 months at places within the state that the
 27 board prescribes. The board shall establish by rule the contents of and requirements to pass the
 28 examination.

29 (4) An applicant for licensure as a property manager must be at least 18 years of age and must
 30 have graduated from an accredited high school or completed an equivalent education as determined by the

1 board.

2 (5) The board shall prescribe the form of the license, and the license must bear the seal of the
3 board. A property manager shall display the license conspicuously in the property manager's place of
4 business.

5 (6) The department shall prepare and deliver ~~annually~~ to the licensee a pocket card in a form and
6 at times prescribed by the board."

7

8 **Section 47.** Section 37-65-306, MCA, is amended to read:

9 "**37-65-306. ~~Annual-renewal~~ Renewal -- fee.** A licensed architect in this state who desires to
10 continue the practice of the profession shall ~~annually~~, on or before the renewal date set by department rule:

11 (1) pay to the department a reasonable fee as prescribed by the board; and

12 (2) present evidence to the board of continued qualification for licensure."

13

14 **Section 48.** Section 37-66-307, MCA, is amended to read:

15 "**37-66-307. ~~Annual-renewal~~ Renewal -- withdrawal -- deposit of fees.** (1) Certification of licensure
16 or renewal of registration expires on the date set by department rule. Renewal may be effected on or before
17 the renewal date by payment to the department of the required fee. The board shall issue current renewal
18 registration to each landscape architect promptly upon payment of the ~~annual~~ renewal registration fee.

19 (2) Any registrant in good standing, upon ceasing to practice landscape architecture, shall give
20 written notice to the board, and the board shall suspend the license. The person may resume practice upon
21 payment of the then-current fee and upon approval by the board.

22 (3) All fees received under the provisions of this chapter must be deposited in the state special
23 revenue fund by the department. The money collected must be used by the department to carry out the
24 purpose, duties, and responsibilities ~~of the~~ set forth in this chapter, subject to 37-1-101(6)."

25

26 ~~**Section 49.** Section 37-68-303, MCA, is amended to read:~~

27 ~~"**37-68-303. Apprentice may work under licensed electrician -- early examination -- record of**
28 **apprentices.** (1) This chapter does not prohibit a person from working as an apprentice in the trade of
29 electrician with an electrician licensed under this chapter and under rules made by the board.~~

30 ~~(2) An apprentice registered with the department of labor and industry may take the examination~~

1 ~~required under 37-68-305 at any time an examination is offered by the board during the 6 months before~~
 2 ~~the expiration of the apprenticeship if the apprentice has:~~

3 ~~(a) completed the instructional requirements in 39-6-106(1)(c); and~~

4 ~~(b) compiled a minimum of 7,000 documented hours in the apprenticeship program.~~

5 ~~(3) The name and residence of each apprentice and the name and residence of his the apprentice's~~
 6 ~~employer shall must be filed with the department, and a record shall must be kept by the department~~
 7 ~~showing the name and residence of each apprentice."~~

8
 9 **Section 49.** Section 37-68-307, MCA, is amended to read:

10 **"37-68-307. Examination procedure -- issuance of master, journeyman, or residential electrician's**
 11 **license -- expiration.** (1) To ensure impartiality, the examination for either the residential, master's or
 12 journeyman's license must be by numbers drawn by lot. A paper may not be marked with the name of an
 13 applicant, but must be anonymously graded by the department. The examination passing grade is 75%.

14 (2) ~~if Except as provided in subsection (3), if~~ IF it is determined that the applicant has passed the
 15 examination, the department, on payment by the applicant of the fee, shall issue to the applicant a license
 16 that authorizes the licensee to engage in the business, trade, or calling of a residential electrician,
 17 journeyman electrician, or master electrician.

18 ~~(3) If the applicant is an apprentice registered with the department of labor and industry and the~~
 19 ~~applicant passes the examination, the department may not issue a license to the applicant until the~~
 20 ~~applicant has paid the appropriate license fee and the department of labor and industry notifies the~~
 21 ~~department that the applicant's apprenticeship has been completed.~~

22 ~~(3)(4)(3) Each~~ Unless otherwise provided by rules established by the board DEPARTMENT, each
 23 original license expires on a July 15 that is not more than 3 years subsequent to the date of issuance,~~at~~
 24 ~~the discretion of the board."~~

25
 26 **Section 50.** Section 37-68-310, MCA, is amended to read:

27 **"37-68-310. License renewal every three years period -- renewal of lapsed licenses.** Licenses of
 28 residential electricians, journeyman electricians, or master electricians, unless they have been suspended
 29 or revoked by the board or unless the board DEPARTMENT changes the duration of the renewal period,
 30 must be renewed for a period of 3 years by the department on application for renewal made to the

1 department on or before the renewal date set by department rule and on the payment of a renewal fee. If
 2 application for renewal is not made on or before the renewal date, an additional fee prescribed by board
 3 rule must be paid. It is unlawful for a person who refuses or fails to pay the renewal fee to practice
 4 electrical work in this state. A person with a lapsed license may be issued a renewal license without
 5 examination if the applicant pays the original renewal fee and any delinquency fee within 1 year of the
 6 license expiration date. A lapsed license that is not renewed within 1 year following its expiration date may
 7 not be renewed unless the applicant passes the examination and pays the fee required for an original
 8 license."

9
 10 **Section 52.** ~~Section 37-69-302, MCA, is amended to read:~~

11 ~~"37-69-302. Apprenticeship allowed -- early license examination. (1) This chapter does not prohibit~~
 12 ~~a person from working as an apprentice in the trade of plumbing with a plumber licensed by the department~~
 13 ~~under the supervision of a licensed journeyman or master plumber. Only those apprentices registered with~~
 14 ~~the department of labor and industry apprenticeship program will be recognized by the department.~~

15 ~~(2) An apprentice registered with the department of labor and industry may take the examination~~
 16 ~~required under 37-69-304 at any time an examination is offered by the board during the 6 months before~~
 17 ~~the expiration of the apprenticeship if the apprentice has:~~

18 ~~(a) completed the instructional requirements in 39-6-106(1)(c); and~~

19 ~~(b) compiled a minimum of 54 months or not less than 7,600 documented hours in the~~
 20 ~~apprenticeship program.~~

21 ~~(3) The name and residence address of each apprentice and the names and residences of their~~
 22 ~~employers shall name and address of each sponsor must be filed with the department, and a record shall~~
 23 ~~must be kept by the department."~~

24
 25 **Section 53.** ~~Section 37-69-306, MCA, is amended to read:~~

26 ~~"37-69-306. Examination -- issuance of license. (1) An applicant for a license to work in the field~~
 27 ~~of plumbing shall must be examined as to his the applicant's qualifications by the department, subject to~~
 28 ~~37-1-101(4). The department shall examine each applicant for a license to determine his the applicant's skill~~
 29 ~~and qualifications as a master plumber or journeyman plumber.~~

30 ~~(2) The master or journeyman applicant, upon successfully passing the examination prescribed by~~

1 ~~the board, shall must be issued a license authorizing him the applicant to engage in the field of plumbing~~
 2 ~~as a master plumber or journeyman plumber in the state of Montana.~~

3 ~~(3) In the case of a firm or corporation, the examination and issuance of a license to an individual~~
 4 ~~of the firm or to a principal of the firm or corporation satisfies the requirements of this chapter as to master~~
 5 ~~plumbers but not as to journeyman plumbers. No An individual, firm, or corporation may not do the work~~
 6 ~~of a master plumber unless licensed under this chapter."~~

7
 8 **Section 51.** Section 37-69-307, MCA, is amended to read:

9 **"37-69-307. Examination fee and annual renewal fee.** (1) ~~No An~~ applicant for a master plumber's
 10 license may not submit to the examinations prescribed by the board until ~~he~~ the applicant has deposited
 11 with the department an examination fee prescribed by the board, and no an applicant for a journeyman
 12 plumber's license may not submit to the examination prescribed by the board until ~~he~~ the applicant has
 13 deposited with the department an examination fee as prescribed by the board.

14 (2) A license when issued expires ~~each year~~ on the date established by rule of the department. A
 15 license issued to a master plumber or a journeyman plumber may be renewed ~~annually~~ without
 16 examination, at any time prior to its expiration, by a written request for its renewal directed to the
 17 department and the payment of a fee as set by the board for renewal of a master plumber's license or a
 18 fee as set by the board for renewal of a journeyman plumber's license. Renewal is for the period of ~~1 year~~
 19 established by the board DEPARTMENT by rule.

20 (3) Fees prescribed by the board pursuant to this section must be reasonably related to the costs
 21 incurred by the board in carrying out its respective functions."

22
 23 **Section 52.** Section 37-72-306, MCA, is amended to read:

24 **"37-72-306. Annual renewal Renewal.** (1) A license issued under this chapter expires ~~January 1~~
 25 ~~following the date of its issuance or renewal~~ and is invalid ~~thereafter~~ after the renewal date established by
 26 the department by rule. The department shall notify each person licensed under this chapter of the date of
 27 the expiration of ~~his~~ the person's license and the amount of ~~his~~ the license renewal fee. The notice must
 28 be mailed to each licensed construction blaster at ~~his~~ the blaster's listed address at least 1 month before
 29 the expiration of ~~his~~ the blaster's license.

30 (2) Renewal may be made by application during the 60 days prior to the expiration date. Failure

1 on the part of a licensee to pay ~~his~~ the renewal fee by the expiration date does not deprive ~~him~~ the licensee
 2 of the right to renew ~~his~~ the licensee's license, but the fee must be increased 10% for each month or major
 3 portion ~~thereof~~ of a month that the payment of the renewal fee is delayed after the expiration date. The
 4 maximum fee for delayed renewal may not exceed twice the normal renewal fee. Application for renewal
 5 following a lapse of 1 year or more is subject to review by the department, and the applicant may be
 6 required to successfully complete an examination."

7

8 **Section 53.** Section 50-39-102, MCA, is amended to read:

9 **"50-39-102. Application for license and endorsements.** (1) An application for a license and any
 10 endorsements must be made on a form prescribed by the department of commerce.

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

12 (a) submits satisfactory proof that the applicant is properly equipped and staffed to provide the
 13 sales or services to be licensed and endorsed; and

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

16 (3) The department shall:

17 (a) issue an endorsement to an applicant who scores a passing grade on an examination devised
 18 or approved by the department; and

19 (b) ~~annually~~ renew the endorsement at time intervals prescribed by the department and upon
 20 payment of the endorsement fee and submission of satisfactory proof that the endorsee has completed
 21 continuing education, training, or testing required by the department."

22

23 **Section 54.** Section 50-74-313, MCA, is amended to read:

24 **"50-74-313. Renewal of licenses.** (1) All certificates of license to engineers of all classes shall
 25 ~~must be renewed yearly, except as herein provided~~ at periodic intervals as established by the board
 26 DEPARTMENT by rule.

27 (2) Any engineer failing to renew ~~his~~ the license ~~as herein provided~~ or within at least 30 days after
 28 the date of expiration shall must be assessed the fee for the original license of the same grade before the
 29 license will be reissued.

30 (3) Any engineer failing to renew ~~his~~ the license within 12 months of the date of expiration ~~must~~

1 shall reapply for an engineer's license as required by the provisions of 50-74-303 through 50-74-308.

2 (4) Any engineer whose license expired while ~~such~~ the engineer was in the military or naval service
3 of the United States ~~shall have 90 days from the time such engineer is discharged from such military or~~
4 ~~naval service within which to renew his~~ shall within 90 days of discharge renew the license at the renewal
5 fee."

6

7 **Section 55.** Section 50-76-105, MCA, is amended to read:

8 **"50-76-105. Renewal and period of validity of license.** The license is valid for ~~4 year from the date~~
9 ~~of issuance~~ a period established by the board DEPARTMENT OF COMMERCE by rule and may be renewed
10 in the same manner provided by law for the renewal of a license to operate steam engines, boilers, or
11 steam-driven machinery under chapter 74 of this title."

12

13 **NEW SECTION. Section 56. Coordination instruction. INSTRUCTIONS.** (1) If House Bill No. 266
14 and [this act] are both passed and approved, then [section 1(3)(b) of this act] ~~is void~~ **MUST READ AS**
15 **FOLLOWS:**

16 **"(B) UP TO \$44,391 FROM MONEY DEPOSITED IN THE STATE SPECIAL REVENUE FUND**
17 **PURSUANT TO 37-68-313 AND 37-69-308, IN PROPORTIONS DETERMINED BY THE DEPARTMENT OF**
18 **COMMERCE. THE APPROPRIATION MAY BE USED ONLY FOR A HALF-TIME ADMINISTRATIVE SUPPORT**
19 **POSITION TO BE SHARED BY THE STATE ELECTRICAL BOARD PROVIDED FOR IN 2-15-1874 AND THE**
20 **STATE BOARD OF PLUMBERS ESTABLISHED IN 2-15-1875;"**.

21 **(2) IF HOUSE BILL NO. 396 AND [THIS ACT] ARE BOTH PASSED AND APPROVED, THEN**
22 **27-6-206(3) MUST READ AS FOLLOWS:**

23 **"(3) THE ANNUAL SURCHARGE MUST BE PAID ON OR BEFORE APRIL 1 OF EACH YEAR. ALL**
24 **UNPAID ASSESSMENTS BEAR A LATE CHARGE FEE EQUAL TO THE JUDGMENT RATE OF INTEREST. THE**
25 **LATE CHARGE FEE IS PART OF THE ANNUAL SURCHARGE. THE PANEL MAY COLLECT THE ANNUAL**
26 **SURCHARGE BY AN ACTION AT LAW."**

27

28 **NEW SECTION. Section 57. Effective date.** [This act] is effective July 1, 1997.

29

-END-

1 HOUSE BILL NO. 598

2 INTRODUCED BY TREXLER, SIMON, TUSS, EWER, SQUIRES, STOVALL, PROUSE, BITNEY, MASOLO,
3 TROPILA, PAVLOVICH, GILLAN, KRENZLER, MARSHALL, BARNETT, BOOKOUT, DEVANEY, SLITER,
4 LAWSON

5
6 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE LAWS GOVERNING PROFESSIONAL
7 AND OCCUPATIONAL LICENSING; PROVIDING APPROPRIATIONS TO FUND COMPLIANCE AND
8 ENFORCEMENT POSITIONS FOR CERTAIN PROFESSIONAL AND OCCUPATIONAL LICENSURE BOARDS;
9 ALLOWING ~~BOARD AND~~ DEPARTMENTAL RULES TO PROVIDE FOR VARIATION FROM ANNUAL LICENSE
10 RENEWAL PERIODS; ALLOWING ELECTRICAL AND PLUMBING APPRENTICES TO TAKE LICENSURE
11 EXAMINATIONS BEFORE THE APPRENTICESHIPS EXPIRE; AMENDING SECTIONS 23-3-501, 27-6-206,
12 37-3-301, 37-3-313, 37-4-307, 37-4-326, 37-4-406, 37-6-304, 37-7-303, 37-7-321, 37-7-606, 37-7-703,
13 37-8-431, 37-9-304, 37-9-305, 37-10-307, 37-11-308, 37-12-307, 37-13-306, 37-14-310, 37-16-407,
14 37-18-307, 37-19-301, 37-19-304, 37-19-306, 37-20-203, 37-20-302, 37-23-203, 37-23-205,
15 37-25-307, 37-27-205, 37-29-304, 37-29-306, 37-30-310, 37-30-423, 37-30-424, 37-31-302,
16 37-32-305, 37-40-203, 37-40-304, 37-50-203, 37-50-314, 37-50-317, 37-51-310, 37-51-603,
17 37-65-306, 37-66-307, ~~37-69-303~~, 37-68-307, 37-68-310, ~~37-69-302~~, ~~37-69-306~~, 37-69-307,
18 37-72-306, 50-39-102, 50-74-313, AND 50-76-105, MCA; AND PROVIDING AN EFFECTIVE DATE."

**THERE ARE NO CHANGES IN THIS BILL AND IT WILL NOT BE
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13 37-8-431, 37-9-304, 37-9-305, 37-10-307, 37-11-308, 37-12-307, 37-13-306, 37-14-310, 37-16-407,
14 37-18-307, 37-19-301, 37-19-304, 37-19-306, 37-20-203, 37-20-302, 37-23-203, 37-23-205,
15 37-25-307, 37-27-205, 37-29-304, 37-29-306, 37-30-310, 37-30-423, 37-30-424, 37-31-302,
16 37-32-305, 37-40-203, 37-40-304, 37-50-203, 37-50-314, 37-50-317, 37-51-310, 37-51-603,
17 37-65-306, 37-66-307, ~~37-68-303~~, 37-68-307, 37-68-310, ~~37-69-302~~, ~~37-69-306~~, 37-69-307,
18 37-72-306, 50-39-102, 50-74-313, AND 50-76-105, MCA; AND PROVIDING AN EFFECTIVE DATE."

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 9 ALLOWING ~~BOARD AND~~ DEPARTMENTAL RULES TO PROVIDE FOR VARIATION FROM ANNUAL LICENSE
 10 RENEWAL PERIODS; ~~ALLOWING ELECTRICAL AND PLUMBING APPRENTICES TO TAKE LICENSURE~~
 11 ~~EXAMINATIONS BEFORE THE APPRENTICESHIPS EXPIRE~~; AMENDING SECTIONS 23-3-501, 27-6-206,
 12 37-3-301, 37-3-313, 37-4-307, 37-4-326, 37-4-406, 37-6-304, 37-7-303, 37-7-321, 37-7-606, 37-7-703,
 13 37-8-431, 37-9-304, 37-9-305, 37-10-307, 37-11-308, 37-12-307, 37-13-306, 37-14-310, 37-16-407,
 14 37-18-307, 37-19-301, 37-19-304, 37-19-306, 37-20-203, 37-20-302, 37-23-203, 37-23-205,
 15 37-25-307, 37-27-205, 37-29-304, 37-29-306, 37-30-310, 37-30-423, 37-30-424, 37-31-302,
 16 37-32-305, 37-40-203, 37-40-304, 37-50-203, 37-50-314, 37-50-317, 37-51-310, 37-51-603,
 17 37-65-306, 37-66-307, ~~37-68-303~~, 37-68-307, 37-68-310, ~~37-69-302~~, ~~37-69-306~~, 37-69-307,
 18 37-72-306, 50-39-102, 50-74-313, AND 50-76-105, MCA; AND PROVIDING AN EFFECTIVE DATE."

19
 20 WHEREAS, the Legislature finds that delays in licensing board responses to complaints of
 21 misconduct by licensees and unlicensed practice that result in frustration on behalf of the public, licensees,
 22 and boards is caused by a lack of personnel to assist with compliance issues; and

23 WHEREAS, licensing boards collect and accumulate sufficient funds from the fees charged to
 24 licensees to meet the cost of compliance and enforcement personnel, but these same boards often lack the
 25 authority to expend the funds that they collect; and

26 WHEREAS, the delayed processing and the accumulating complaint backlog have a deleterious
 27 effect on the productivity and reputation of the licensees; and

28 WHEREAS, THE LEGISLATURE FINDS THAT CERTAIN LICENSING BOARDS NEED TO BE GRANTED
 29 TEMPORARY SPENDING AUTHORITY TO ADDRESS THE DELAYED PROCESSING AND ACCUMULATED
 30 COMPLAINT BACKLOG; AND

1 WHEREAS, a uniformly flexible approach to license renewal scheduling would also reduce frustration
2 on the part of licensees and the public that they serve; and

3 WHEREAS, inflexible examination dates for license applicants in the plumbing and electrical fields
4 have caused undue hardship with no discernable public benefit; and

5 WHEREAS, the Committee on Business and Labor desires to alleviate these and other related
6 problems by appropriating funds for certain professional and occupational boards that need additional
7 compliance specialists, by allowing ~~boards of~~ the Department of Commerce to establish license renewal
8 dates by rule, and by allowing electrical and plumbing apprentices to take the examination required for
9 licensure before the apprenticeships expire.

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12
13 **NEW SECTION. Section 1. Appropriation.** (1) There is appropriated to the department of commerce
14 for fiscal years 1998 and 1999 the amount specified in subsection (3). The amounts appropriated are for
15 the purpose of hiring investigators, attorneys, and support staff whose services will be devoted to
16 processing complaints and ensuring compliance with state laws and administrative rules promulgated by
17 the boards identified in subsection (3). The appropriated funds are intended to assist boards to fulfill the
18 duties set forth in 37-1-131 and must be appropriated from the accounts in the state special revenue fund
19 into which fees from certain licensees are deposited.

20 (2) The appropriations in subsection (3) are contingent on the availability of funds as specified in
21 subsection (3) on or after [the effective date of this act].

22 (3) Funds are appropriated for the purposes outlined in subsection (1) in the following amounts and
23 for the specified boards as follows:

24 (a) up to \$144,126 from money deposited in the state special revenue fund pursuant to 37-51-208.
25 The appropriation may be used only for an investigator and an administrative support position for the board
26 of realty regulation provided for in 2-15-1867;

27 (b) up to \$144,126 from money deposited in the state special revenue fund pursuant to 37-68-313
28 and 37-69-308, in proportions determined by the department. The appropriation may be used only for an
29 investigator and administrative support to be shared by the state electrical board provided for in 2-15-1874
30 and the board of plumbers established in 2-15-1875;

1 (c) up to \$175,510 from money deposited in the state special revenue fund pursuant to 37-8-432.
 2 The appropriation may be used only for an attorney and a nurse, both of whom will serve as compliance
 3 officers for the board of nursing provided for in 2-15-1844;

4 (d) up to \$94,464 from money deposited in the state special revenue fund pursuant to 37-3-314.
 5 The appropriation may be used only for an attorney for the board of medical examiners provided for in
 6 2-15-1841;

7 (e) up to \$87,046 from money deposited in the state special revenue fund pursuant to 37-67-317.
 8 The appropriation may be used only for an investigator for the board of professional engineers and land
 9 surveyors provided for in 2-15-1873; and

10 (f) up to \$184,816 from the pooled funds provided to the department by the boards in accordance
 11 with the provisions of 37-1-131. The appropriation may be used only for an investigator and an attorney
 12 for the purpose of fulfilling the of the department of commerce duties under 37-1-101.

13 (4) The appropriations in subsection (3) are biennial appropriations.

14 (5) THE POSITIONS FUNDED IN THIS SECTION MUST BE SHOWN AS NEW PROPOSALS IN THE
 15 EXECUTIVE BUDGET PRESENTED TO THE 56TH LEGISLATURE.

16

17 **Section 2.** Section 23-3-501, MCA, is amended to read:

18 "**23-3-501. Licenses -- fees.** (1) The board may issue ~~an annual~~ a renewable license to a
 19 professional or semiprofessional boxing or wrestling promoter, whether an individual or organization, for
 20 the sole purpose of conducting professional or semiprofessional matches or exhibitions.

21 (2) The board may issue ~~annual~~ renewable licenses to qualified referees, managers, boxers,
 22 wrestlers, seconds, trainers, and judges.

23 (3) A license issued in accordance with subsections (1) and (2) expires on the date set by
 24 department rule and may be renewed upon payment of a fee set by the board.

25 ~~(3)(4)~~ Each application for ~~an original~~ a license under this section ~~or renewal of a license~~ must be
 26 accompanied by a fee set by the board, commensurate with costs related to the particular license as
 27 provided in 37-1-134."

28

29 **Section 3.** Section 27-6-206, MCA, is amended to read:

30 "**27-6-206. Funding.** (1) There is a pretrial review fund to be administered by the director

1 exclusively for the purposes stated in this chapter. The fund and any income from it must be held in trust,
 2 deposited in an account, and invested and reinvested by the director with the prior approval of the director
 3 of the Montana medical association. The fund may not become a part of or revert to the general fund of
 4 this state but is open to auditing by the legislative auditor.

5 (2) To create the fund, ~~an annual~~ a surcharge must be levied on all health care providers. The
 6 amount of the assessment must be set annually by the director and must be apportioned among physicians,
 7 dentists, hospitals, and other health care providers by group. For the group of all physicians, the group of
 8 all dentists, the group of all hospitals, and the group of all other health care facilities, the amount of the
 9 assessment must be proportionate to the respective percentage of total health care providers brought
 10 before the panel that each group constitutes. The total number and group of health care providers brought
 11 before the panel must be determined from the annual report of the panel for the years preceding the year
 12 of assessment. The amount of the assessment for the group of all hospitals must be proportionately
 13 assessed against each hospital on the basis of each hospital's total number of licensed hospital beds,
 14 whether used or not, as reflected in the most recent compilation of the department of public health and
 15 human services. The amount of the assessment for the group of all physicians must be equally assessed
 16 against all physicians. The amount of the assessment for the group of all dentists must be equally assessed
 17 against all dentists. The amount of the assessment for the group of all other health care facilities must be
 18 equally assessed against all other health care facilities. Surplus funds, if any, above the amount required
 19 for the annual administration of the chapter must be retained by the director and used to finance the
 20 administration of this chapter in succeeding years, in which event the director shall reduce the annual
 21 assessment in subsequent years, commensurate with the proper administration of this chapter.

22 (3) The ~~annual~~ surcharge must be assessed on an annual basis and must be paid on or before the
 23 date that physicians' and dentists' ~~annual~~ registration or renewal fees are due under 37-3-313 and
 24 37-4-307. All unpaid assessments bear a late charge fee equal to the judgment rate of interest. The late
 25 charge fee is part of the ~~annual~~ surcharge. The director has the same powers and duties in connection with
 26 the collection of and failure to pay the ~~annual~~ surcharge as the department of commerce has under
 27 37-3-313 and 37-4-307 in connection with physicians' and dentists' ~~annual~~ registration or renewal fees."
 28

29 **Section 4.** Section 37-3-301, MCA, is amended to read:

30 **"37-3-301. License required -- kinds of certificates.** (1) ~~Prior to the issuance of~~ Before being issued

1 a license, an applicant may not engage in the practice of medicine in this state.

2 (2) The department may issue three forms of certificates of licensure under the board's seal: the
3 physician's certificate, the restricted certificate, and the temporary certificate. The physician's certificate
4 and the restricted certificate must be signed by the president, but the temporary certificate may be signed
5 by any board member. The board shall decide which certificate to issue. These certificates must be
6 designated as:

7 (a) physician's certificate, which is subject to ~~annual~~ renewable registration in accordance with
8 board DEPARTMENT rules;

9 (b) restricted certificate; and

10 (c) temporary certificate, which is subject to specifications and limitations imposed by the board."
11

12 **Section 5.** Section 37-3-313, MCA, is amended to read:

13 **"37-3-313. ~~Annual registration~~ Registration fees -- failure to pay -- limiting authority to impose**
14 **registration fees.** (1) In addition to the license fees required of applicants, a licensed physician actively
15 practicing medicine in this state shall pay ~~each year~~ to the department ~~an annual~~ a registration fee as
16 prescribed by the board.

17 (2) The ~~annual~~ payments for registration must be made prior to ~~April 1,~~ the expiration date of the
18 registration, as set forth in a board DEPARTMENT rule, and a receipt acknowledging payment of the ~~annual~~
19 registration fee must be issued by the department. The department shall mail registration notices at least
20 60 days before the registration is due.

21 (3) In case of default in the payment of the ~~annual~~ registration fee by a person licensed to practice
22 medicine who is actively practicing medicine in this state, the underlying certificate to practice medicine
23 may be revoked by the board on 30 days' notice given to the delinquent of the time and place of
24 considering the revocation. A registered or certified letter addressed to the last-known address of the
25 person failing to comply with the requirements of ~~annual~~ registration, as the address appears on the records
26 of the department, constitutes sufficient notice of intention to revoke the underlying certificate. A certificate
27 may not be revoked for nonpayment if the person authorized to practice medicine, and notified, pays the
28 ~~annual~~ registration fee before or at the time fixed for consideration of revocation, together with a
29 delinquency penalty prescribed by the board. The department may collect the dues by an action at law.

30 (4) A registration or license fee may not be imposed on a licensee under this chapter by a

1 municipality or any other subdivision of the state."

2

3 **Section 6.** Section 37-4-307, MCA, is amended to read:

4 **"37-4-307. ~~Annual-renewal~~ Renewal fee -- default -- local fees prohibited.** (1) Every licensed
5 dentist shall pay ~~each year~~ a renewal fee to the board. The renewal fee must be set by the board
6 commensurate with costs. Notice of the change in the amount of renewal fees must be given to each
7 dentist registered in this state by the department.

8 (2) Payment of the ~~annual~~ renewal fee must be made ~~each year~~ on or before the license expiration
9 date set by department rule, and a license renewal must be issued by the department. A reasonable late
10 fee must be required by the department if the ~~annual~~ renewal fee is not ~~timely~~ paid in a timely manner.

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

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

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

19 (i) ~~renewal fees are paid for each year~~ renewal period they were unpaid, plus a late penalty fee for
20 ~~each year~~ renewal period;

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

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

25 (4) Each dentist shall give the board notice of any change in name, address, or status within 30
26 days of the change.

27 (5) A unit of local government, including those exercising self-government powers, may not impose
28 a license fee on a dentist licensed under this chapter."

29

30 **Section 7.** Section 37-4-326, MCA, is amended to read:

1 **"37-4-326. Acts constituting misdemeanors.** ~~Any A~~ person, company, or association ~~shall be~~ is
 2 guilty of a misdemeanor and upon conviction ~~thereof shall be punishable~~ shall be punished with a fine of
 3 not less than \$50 or more than \$200 or by imprisonment for not more than 6 months in the county jail or
 4 ~~by both such fine and imprisonment who shall~~ if the person, company, or association:

5 (1) ~~sell or barter or offer to sell or barter any~~ sells, barter, or offers to sell or barter a diploma or
 6 document conferring or purporting to confer any dental degree or any certificate or transcript made or
 7 purporting to be made pursuant to the laws regulating the license and regulation of dentists;

8 (2) ~~purchase or procure by barter any such~~ purchases or procures by barter a diploma, certificate,
 9 or transcript with the intent that the same shall be used ~~that the same shall be used~~ of using the diploma, certificate, or transcript as
 10 evidence of the holder's qualification to practice dentistry or in fraud of the laws regulating such dental
 11 practice;

12 (3) with fraudulent intent, alter in a material regard ~~any such a~~ a diploma, certificate, or transcript;

13 (4) use or attempt to use ~~any such a~~ a diploma, certificate, or transcript ~~which~~ that has been
 14 purchased, fraudulently issued, counterfeited, or materially altered, either as a license or color of license
 15 to practice dentistry or in order to procure registration as a dentist;

16 (5) practice dentistry under a false or assumed name;

17 (6) in an affidavit required of an applicant for examination, license, or registration under this
 18 chapter, willfully make a false statement in a material regard;

19 (7) engage in the practice of dentistry under any title or name without causing to be displayed in
 20 a conspicuous manner and in a conspicuous place in ~~his or her~~ the office the required ~~annual registration~~
 21 certificate for the current ~~year~~ period of licensed practice; or

22 (8) within 10 days after demand made by the secretary of the board, fail to furnish to ~~said the~~ the
 23 board the names and addresses of all persons practicing or assisting in the practice of dentistry in the office
 24 of ~~said the~~ the person, company, or association at any time within 60 days prior to ~~said the~~ the notice, together
 25 with a sworn statement showing under and by what license or authority ~~said the~~ the person, company, or
 26 association and ~~said the~~ the employee are and have been practicing dentistry, but ~~said the~~ the affidavit ~~shall~~ may
 27 not be used as evidence against ~~said the~~ the person, company, or association in any proceeding under this
 28 section."

29

30 **Section 8.** Section 37-4-406, MCA, is amended to read:

1 **"37-4-406. ~~Annual-renewal~~ Renewal fee -- default -- revocation of license -- local fees prohibited.**

2 (1) Each licensed dental hygienist shall pay ~~each year~~ a renewal fee to the board. The renewal fee must be
3 set by the board commensurate with costs.

4 (2) Payment of the ~~annual~~ renewal fee must be made on or before the license expiration date set
5 by department rule, and a license renewal must be issued by the department. A reasonable late fee must
6 be required if the ~~annual~~ renewal fee is not ~~timely~~ paid in a timely manner.

7 (3) In case of default in payment of the renewal fee by any licensee, the board must revoke the
8 license.

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

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

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

16 (i) renewal fees are paid for each ~~year~~ period they were unpaid, plus a late penalty for each ~~year~~
17 period;

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

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

22 (4) Each dental hygienist shall give the board notice of any change in name, address, or status
23 within 30 days of the change.

24 (5) The board may, after a hearing, revoke or suspend the license of a dental hygienist for violating
25 this chapter.

26 (6) A unit of local government, including those exercising self-government powers, may not impose
27 a license fee on a dental hygienist licensed under this chapter."

28

29 **Section 9.** Section 37-6-304, MCA, is amended to read:

30 **"37-6-304. Designations on license -- recording -- renewal -- display.** (1) A license issued under

1 this chapter is designated as a "registered podiatrist's license" or a "temporary podiatrist's license".

2 (2) Licenses must be recorded by the department the same as other medical licenses.

3 (3) Licenses must be renewed ~~annually~~, on a date set by ~~the~~ department rule.

4 (4) A license renewal fee set by the board must be paid ~~annually~~ on a date set by ~~the~~ department
5 rule.

6 (5) The department shall mail renewal notices no later than 60 days prior to the ~~annual~~ renewal
7 date.

8 (6) If the ~~annual~~ renewal fee is not paid on or before the renewal date, the board may revoke the
9 licensee's certificate after giving 30 days' notice to the licensee. A certified letter addressed to the
10 delinquent licensee's last-known address as it appears on the records of the department constitutes notice
11 of intent to revoke the certificate. A certificate may not be revoked for nonpayment of a renewal fee if the
12 licensee pays the ~~annual~~ renewal fee plus a penalty prescribed by the board on or before the date fixed for
13 revocation.

14 (7) A license revoked for nonpayment of the ~~annual~~ renewal fee may be reissued only on original
15 application and payment of an additional fee prescribed by the board.

16 (8) Licenses must be conspicuously displayed by podiatrists at their offices or other places of
17 practice."

18

19 **Section 10.** Section 37-7-303, MCA, is amended to read:

20 "**37-7-303. ~~Annual renewal~~ Renewal fee.** A person licensed and registered by the department shall
21 ~~annually~~ pay to the department on or before the license expiration date set by department rule a renewal
22 of registration fee prescribed by the board. A default in the payment of a renewal fee after the date it is
23 due increases the renewal fee as prescribed by the board. It is unlawful for a person who refuses or fails
24 to pay the renewal fee to practice pharmacy in this state. A certificate and renewal expires at the time
25 prescribed, ~~not later than 1 year from its date~~ by board DEPARTMENT rule. A defaulter in a renewal fee
26 may be reinstated within 1 year of the default without examination on payment of the arrears and
27 compliance with other requirements prescribed by law."

28

29 **Section 11.** Section 37-7-321, MCA, is amended to read:

30 "**37-7-321. Certified pharmacy license.** (1) The board shall provide for the original certification and

1 ~~annual~~ renewal by the department of every pharmacy doing business in this state. On presentation of
2 evidence satisfactory to the board and on application on a form prescribed by the board and on the
3 payment of an original certification fee prescribed by the board, the department shall issue a license to a
4 pharmacy as a certified pharmacy. However, the license may be granted only to pharmacies operated by
5 registered pharmacists qualified under this chapter. The ~~annual~~ renewal fee for a pharmacy must be set by
6 the board. Any default in the payment of the renewal fee after the date the ~~same fee~~ is due increases the
7 renewal fee as prescribed by the board. The license must be displayed in a conspicuous place in the
8 pharmacy for which it is issued and expires on the date set by department rule. It is unlawful for a person
9 to conduct a pharmacy, use the word "pharmacy" to identify the business, or use the word "pharmacy"
10 in advertising unless a license has been issued and is in effect.

11 (2) The board may impose discipline or deny or refuse to renew a pharmacy license for reasons
12 specified in and subject to conditions specified in Title 37, chapter 1."
13

14 **Section 12.** Section 37-7-606, MCA, is amended to read:

15 "**37-7-606. Issuance of licenses.** The license for wholesale drug distributors is effective during the
16 ~~12-month~~ period specified by department rule. An application for renewal of a license must be mailed to
17 each licensee at least 30 days prior to the renewal date, and if the renewal application and the fee are not
18 mailed by the renewal date, the license is void upon its expiration date."
19

20 **Section 13.** Section 37-7-703, MCA, is amended to read:

21 "**37-7-703. Registration requirements.** Each out-of-state mail service pharmacy must be registered
22 with the board of pharmacy. In order to be registered with the board to do business in this state and for
23 ~~annual~~ the renewal of its registration, an out-of-state mail service pharmacy:

24 (1) (a) shall submit a certificate from the appropriate licensing authority with which it is currently
25 licensed and in good standing in the state in which its dispensing facilities are located; and

26 (b) shall comply with all applicable laws, regulations, and standards of that state and the United
27 States and, if requested by the board, provide evidence that it has ~~ee~~ complied;

28 (2) shall register with the board and provide information on ownership and location, including the
29 names and titles of the corporate officers, of the out-of-state mail service pharmacy and the identity of a
30 pharmacist licensed in the state in which the pharmacy is located who is in charge of dispensing

1 prescriptions for shipment to Montana from the out-of-state mail service pharmacy;

2 (3) shall submit a utilization plan for the employment of pharmacy technicians if allowed by the
3 state where the mail service pharmacy is located. If the state in which the pharmacy is located does not
4 establish a ratio of technicians to pharmacists for determining the number of pharmacy technicians or
5 otherwise define the role of the pharmacist in compounding or dispensing drugs at the pharmacy, then the
6 out-of-state mail service pharmacy may not allow a pharmacist to supervise more than one supportive
7 person at any one time in the compounding or dispensing of prescription drugs, unless approved by the
8 board as provided in 37-7-307 through 37-7-309.

9 (4) shall submit to the board proof of the pharmacist's good standing with the licensing authority
10 in the state where the pharmacist is employed and the pharmacist's written commitment to comply with
11 the utilization plan, if any, for each pharmacist identified under subsection (2) and shall provide to the board
12 the same toll-free telephone service referenced in 37-7-706 in order to comply with all information requests
13 by the board; and

14 (5) shall pay an initial registration fee and ~~annual~~ a periodic renewal fee in an amount ~~and at a time~~
15 to be determined by the board AND AT A TIME ESTABLISHED BY THE DEPARTMENT BY RULE."

16

17 **Section 14.** Section 37-8-431, MCA, is amended to read:

18 "**37-8-431. Renewal of license.** (1) The license of a person licensed under this chapter must be
19 ~~annually~~ renewed on the date set by department rule. At least 30 days prior to the renewal date, the
20 department shall mail an application form for renewal of license to each person to whom a license was
21 issued or renewed during the year. The applicant shall carefully complete and subscribe the application form
22 and return it to the department with a renewal fee prescribed by the board on or before the renewal date.

23 (2) The board may increase or decrease the ~~annual~~ license fee so as to maintain in the state special
24 revenue fund at all times an adequate amount to be used for the purpose of administering, policing, and
25 enforcing the provisions of Title 37, chapter 1, and this chapter. On receipt of the application and fee, the
26 department shall verify the accuracy of the application against its record and from other sources the board
27 considers reliable and issue to the applicant a certificate of renewal. The certificate of renewal renders the
28 holder a legal practitioner of nursing for the period stated in the certificate of renewal.

29 (3) A licensee who allows the license to lapse by failing to renew the license may be reinstated by
30 the board on satisfactory explanation for the failure to renew license and on payment of the current renewal

1 fee prescribed by the board.

2 (4) A person practicing nursing during the time following the date the license has expired is an
3 illegal practitioner and is subject to the penalties provided for violations of this chapter.

4 (5) The board may establish a reasonable late fee for licensees who fail to renew their license by
5 the renewal date."

6

7 **Section 15.** Section 37-9-304, MCA, is amended to read:

8 "**37-9-304. Fees.** (1) Each person who applies for licensure, whether by waiver, examination, or
9 reciprocity, shall pay a fee prescribed by the board at the time of application.

10 (2) Each person licensed as a nursing home administrator shall pay a license fee in an amount fixed
11 by the board. A license expires ~~each year~~ on a date set by department rule and must be ~~renewable annually~~
12 renewed upon timely payment of the license fee.

13 (3) The fee for issuing a duplicate license must be fixed by the board."

14

15 **Section 16.** Section 37-9-305, MCA, is amended to read:

16 "**37-9-305. Renewal of registration and license.** Each holder of a nursing home administrator's
17 registration and license shall renew it ~~annually~~ by payment of the required fee for the next subsequent ~~year~~
18 period prior to the expiration date of the currently valid registration and license. Renewals of registrations
19 or licenses must be granted as a matter of course. However, if the board finds, after ~~due~~ notice and
20 hearing, that the applicant has acted or failed to act in a manner or under circumstances that would
21 constitute grounds for discipline, it may not issue the renewal."

22

23 **Section 17.** Section 37-10-307, MCA, is amended to read:

24 "**37-10-307. ~~Annual renewal~~ Renewal -- fee.** A registered optometrist who desires to continue the
25 practice of optometry in this state shall, before the license expiration date established by rule of the
26 department, ~~annually~~ pay to the department a renewal fee prescribed by the board in return for which a
27 renewal of registration ~~shall~~ must be issued. If a person fails or neglects to procure ~~his annual~~ a renewal
28 of registration, ~~his~~ the person's certificate of registration ~~shall~~ must be revoked by the board; ~~however~~ .
29 However, ~~no~~ a certificate of registration may not be revoked without 90 days' notice having been given
30 to the delinquent, who within this period may renew ~~his~~ the certificate of registration on the payment of

1 the renewal fee with a penalty prescribed by the board."

2

3 **Section 18.** Section 37-11-308, MCA, is amended to read:

4 **"37-11-308. ~~Annual renewal~~ Renewal of license -- fee.** A licensed physical therapist and a licensed
5 physical therapist assistant shall, on or before the date set by department rule, apply to the department for
6 a license renewal and pay a fee set by board rule. A license that is not renewed before the renewal date
7 automatically lapses. The board may, in its discretion, revive and renew a lapsed license on the payment
8 of all past unpaid renewal fees or a late renewal fee."

9

10 **Section 19.** Section 37-12-307, MCA, is amended to read:

11 **"37-12-307. ~~Annual renewal~~ Renewal of license -- fees.** A license expires on the date set by
12 department rule and must be renewed by the department on payment of a renewal fee, as set by the board,
13 and the presentation of evidence satisfactory to the board that the licensee qualifies for renewal. All
14 applicants for renewal who have not paid the renewal fee on or before the renewal date shall pay an
15 additional late fee prescribed by the board."

16

17 **Section 20.** Section 37-13-306, MCA, is amended to read:

18 **"37-13-306. ~~Annual renewal~~ Renewal -- fee -- military exemption.** (1) The license to practice
19 acupuncture must be renewed ~~annually~~, on a date set by the department, without examination and upon
20 request of the licensee. The request for renewal must be on forms prescribed by the board and
21 accompanied by a renewal fee prescribed by the board. The request and fee must be in the hands of the
22 secretary of the board not later than the expiration date of the license.

23 (2) Immediately following the renewal date, the secretary shall notify all licensees from whom
24 requests for renewal, accompanied by the renewal fee, have not been received that their licenses have
25 expired and that they will be cancelled and revoked upon the records of the board unless a request for
26 renewal and reinstatement, accompanied by the renewal fee and an additional fee prescribed by the board,
27 is in the hands of the secretary within 30 days of the renewal date.

28 (3) If the licensee fails to renew within 30 days following the renewal date, the secretary of the
29 board shall cancel and revoke upon ~~its~~ the board's records all licenses that have not been renewed or
30 reinstated as provided by this chapter and shall notify the licensees whose licenses are revoked of the

1 action.

2 (4) A licensee who allows the license to lapse by failing to renew or reinstate the license as
3 provided in this section may subsequently reinstate the license upon good cause shown to the satisfaction
4 of the board and upon payment of all ~~annual~~ renewal fees then accrued plus an additional fee prescribed
5 by the board for each ~~year~~ renewal period following the cancelling of the license.

6 (5) A person actively engaged in the military service of the United States and licensed to practice
7 acupuncture as provided in this part is not required to pay the ~~annual~~ renewal fee or make application for
8 renewal until the renewal date of the calendar ~~year~~ period in which the person returns from military service
9 to civilian or inactive status."

10

11 **Section 21.** Section 37-14-310, MCA, is amended to read:

12 **"37-14-310. ~~Annual renewal~~ Renewal -- fee -- reissuance of license.** (1) Licenses expire ~~annually~~
13 on the date established by rule of the department.

14 (2) A license ~~shall~~ must be renewed by the board upon payment of a license fee set by the board
15 and submission of a renewal application containing ~~such~~ information as that the board considers necessary
16 to show that the applicant for renewal is a radiologic technologist in good standing.

17 (3) A radiologic technologist who has been licensed in Montana and whose license has not been
18 revoked or suspended and who has temporarily ceased activities as a radiologic technologist for not more
19 than 5 years may apply for reissuance of a license upon complying with the provisions of this section,
20 including payment of an application fee."

21

22 **Section 22.** Section 37-16-407, MCA, is amended to read:

23 **"37-16-407. Renewal of license -- fee -- inactive status.** (1) A person who practices the fitting of
24 hearing aids and related devices shall ~~annually~~ pay to the department a fee as set by the board for a
25 renewal of the person's license. The fee must be fixed by the board to be commensurate with board costs
26 in administering licensure and related board functions. The fee must be increased 10% for each month or
27 major portion of a month that the payment of the renewal fee is delayed after the expiration date. The
28 maximum fee for a delayed renewal may not exceed twice the normal renewal fee as set by the board. A
29 person applying for renewal whose license was suspended for failure to renew is required to submit to the
30 examinations described in 37-16-403 as a condition of renewal for a 3-year period after suspension.

1 (2) Each applicant for license renewal shall submit evidence showing completion of 10 hours of
 2 continuing education completed during the preceding 12 months. The requirements of the continuing
 3 education programs are to be determined by the board by rule.

4 (3) (a) The board may set standards and fees for issuing licenses that designate inactive status.

5 (b) An inactive licensee may be reinstated to active practice if the inactive licensee:

6 (i) applies for reinstatement;

7 (ii) pays a fee set by the board; and

8 (iii) produces proof satisfactory to the board of completion of the continuing education requirements
 9 established by the board."

10
 11 **Section 23.** Section 37-18-307, MCA, is amended to read:

12 **"37-18-307. Renewal -- fee -- continuing education -- automatic renewal for military personnel.**

13 (1) A person licensed to practice veterinary medicine in this state shall procure a certificate of registration
 14 from the department ~~annually~~ on or before the date set by department rule. The certificate must be issued
 15 by the department on the payment of a fee fixed by the board and on presentation of evidence satisfactory
 16 to the board that the licensee qualifies for renewal.

17 (2) Failure of a person licensed to procure a certificate of registration on or before the date set by
 18 department rule constitutes a forfeiture of the license held by the person. A person who has forfeited the
 19 license may have it restored by making written application for restoration within 1 year of the forfeiture,
 20 setting forth the reasons for failure to procure the certificate of registration at the time specified and
 21 accompanied by payment of the registration fee provided for in this section and an additional restoration
 22 fee as the board requires. The person making application for restoration of license within 1 year of its
 23 forfeiture is not required to submit to examination.

24 (3) Notwithstanding any other provisions in this chapter, a person licensed who enters or is called
 25 to active duty by a branch of the armed services of the United States is entitled to receive automatic
 26 registration of the license during the period of active duty with the armed services. However, within 1 year
 27 after release or discharge from duty in the armed services the person shall procure a certificate of renewal
 28 from the department and pay the regular fee. Failure to procure the certificate of renewal within 1 year after
 29 release or discharge is the equivalent of a failure to procure a certificate of registration before ~~November~~
 30 ~~1 of any year~~ the date set by department rule, and the same forfeiture and restoration requirements apply.

1 (4) A person licensed ~~shall~~ must at all times have the person's residence and office address on file
2 with the department."
3

4 **Section 24.** Section 37-19-301, MCA, is amended to read:

5 **"37-19-301. Funeral director's license -- renewal -- fee.** The practice of funeral directing by anyone
6 who does not hold a funeral director's license or a mortician's license issued by the department is
7 prohibited. A person licensed to practice funeral directing ~~on June 1, 1963,~~ is entitled to ~~an annual~~ the
8 renewal of the license on payment of a renewal fee to the department on or before the date set by
9 department rule. The amount of the ~~annual~~ renewal license fee must be set by the board."
10

11 **Section 25.** Section 37-19-304, MCA, is amended to read:

12 **"37-19-304. Issuance of intern's license -- license fee -- issuance of mortician's license on**
13 **completion of internship.** An applicant who passes the examination provided for in 37-19-302 shall, upon
14 payment of a license fee prescribed by the board, be granted an intern mortician's license to practice
15 mortuary science under the supervision of a licensed mortician in a licensed mortuary in Montana and, upon
16 completion of 1 year's internship and payment of the ~~annual~~ license fee, may apply for and receive a
17 mortician's license."
18

19 **Section 26.** Section 37-19-306, MCA, is amended to read:

20 **"37-19-306. ~~Annual renewal~~ Renewal of mortician's license -- fee -- suspension for nonrenewal.**
21 (1) The ~~annual~~ license fee for a mortician's license must be postmarked on or before the date set by
22 department rule. The amount of the ~~annual~~ renewal fee must be set by the board.

23 (2) Failure to pay the ~~annual~~ renewal fee results in automatic suspension of the license. The license
24 may be reinstated by the payment of unpaid renewal fees plus a penalty prescribed by the board."
25

26 **Section 27.** Section 37-20-203, MCA, is amended to read:

27 **"37-20-203. Licensing of physician assistants-certified.** The Montana state board of medical
28 examiners may issue the following two forms of physician assistants-certified licenses under its seal:

29 (1) a permanent license, signed by the president and subject to ~~annual~~ periodic renewal; and

30 (2) a temporary license, signed by any member of the board and subject to specifications and

1 limitations imposed by the board."

2

3 **Section 28.** Section 37-20-302, MCA, is amended to read:

4 **"37-20-302. Utilization plan approval fee -- renewal of license -- renewal fee.** (1) A utilization plan
5 approval fee must be paid in an amount set by the board. Payment must be made when the utilization plan
6 is submitted to the board and is not refundable.

7 (2) A locum tenens utilization plan approval fee must be paid in an amount set by the board.

8 (3) A license issued under this part must be renewed ~~annually~~, for a period and on a date set by
9 the department.

10 (4) A license renewal fee set by the board must be paid at the time the license is renewed.

11 (5) The department shall mail a renewal notice no later than 60 days prior to the renewal date. A
12 certified letter addressed to the delinquent licensee's last-known address as it appears on the records of
13 the department constitutes notice of intent to revoke the license.

14 (6) If the ~~annual~~ license renewal fee is not paid on or before the renewal date, the board may
15 revoke the license after giving 30 days' notice to the licensee. A license may not be revoked for
16 nonpayment of a renewal fee if the licensee pays the ~~annual~~ renewal fee plus a penalty prescribed by the
17 board on or before the date fixed for revocation.

18 (7) Fees received by the department must be deposited in the state special revenue fund for use
19 by the board in the administration of this chapter, subject to 37-1-101(6)."

20

21 **Section 29.** Section 37-23-203, MCA, is amended to read:

22 **"37-23-203. Issuance, effective date, and display of license.** (1) If an applicant meets the
23 requirements contained in 37-23-202 and has paid the appropriate fees, the board shall issue a license to
24 the applicant attesting to the date and fact of licensure. The license is effective on the date of issuance and
25 must be renewed ~~every year~~ as provided in 37-23-205.

26 (2) The license must be displayed in the registrant's place of business or employment."
27

28 **Section 30.** Section 37-23-205, MCA, is amended to read:

29 **"37-23-205. Renewal of license.** (1) ~~A license may be issued for no longer than 1 year.~~ The
30 department may adopt rules to provide for ~~annual~~ the renewal of an existing license.

1 (2) An application for renewal of an existing license must be made on or before the expiration date
2 set by department rule.

3 (3) Application for renewal must be made upon a form provided by the department. A renewal
4 license must be issued upon payment of a renewal fee set by the board and upon submitting proof of
5 qualification for renewal.

6 (4) The renewal fee is increased by 10% for each month or part of a month that the renewal is
7 delayed. The maximum fee for delayed renewal may not exceed twice the normal renewal fee.

8 (5) A license not renewed within 1 year following its expiration date terminates automatically."
9

10 **Section 31.** Section 37-25-307, MCA, is amended to read:

11 **"37-25-307. Renewal of license.** (1) An application for renewal of license must be made ~~annually~~
12 for a period and on a date set by the department.

13 (2) A renewal license must be issued when the applicant submits proof that requirements for
14 continued licensure have been met and pays a renewal fee set by the board commensurate with costs.

15 (3) An additional fee may be imposed on applications for renewal received by the board more than
16 30 days after the ~~annual~~ license renewal date."
17

18 **Section 32.** Section 37-27-205, MCA, is amended to read:

19 **"37-27-205. Provisional license -- apprentice license.** (1) Upon payment of a \$200 fee to the
20 department, the board may grant a provisional direct-entry midwife license only to a person who filed an
21 affidavit required by section 2, Chapter 493, Laws of 1989.

22 (2) The provisional license is valid until the issuance of grades for the first examination
23 administered pursuant to 37-27-202.

24 (3) Upon payment of a \$200 fee to the department, the board may grant an apprentice direct-entry
25 midwife license to a person who:

26 (a) is working under the personal supervision of a licensed direct-entry midwife, a certified
27 nurse-midwife, a physician licensed under Title 37, chapter 3, or a licensed naturopathic physician who is
28 certified for the specialty practice of naturopathic childbirth attendance; and

29 (b) is seeking licensure as a direct-entry midwife under this chapter.

30 (4) An apprentice direct-entry midwife license is valid for ~~1-year~~ a period prescribed by board

1 DEPARTMENT OF COMMERCE rule and must be renewed ~~annually~~ at an interval established by the board
 2 DEPARTMENT OF COMMERCE, with a limit of four renewals."

3

4 **Section 33.** Section 37-29-304, MCA, is amended to read:

5 **"37-29-304. Applications and fees.** (1) The board is initially entitled to charge and collect the
 6 following fees:

7 (a) \$200 application for licensing;

8 (b) \$200 for original license;

9 (c) \$200 ~~annual~~ license renewal fee;

10 (d) \$200 for examination or reexamination, provided that if on reexamination only the written
 11 examination is required, the fee is \$100; and

12 (e) \$50 for a duplicate or replacement license or a license for a second address, provided that ~~no~~
 13 a dentist may not hold licenses bearing more than two different addresses.

14 (2) The board may set other fees and modify the initial fees in accordance with the provisions of
 15 37-1-134."

16

17 **Section 34.** Section 37-29-306, MCA, is amended to read:

18 **"37-29-306. Licensing.** (1) A dentist license is valid for a period ~~of 1 year~~ established by
 19 department rule and expires on the date set by department rule. A renewal license must be issued upon
 20 timely payment of the renewal fee and the submission of proof of continued qualification for licensure. In
 21 addition, the dentist shall submit proof that the dentist holds a current cardiopulmonary resuscitation
 22 card. The license must bear on its face the address where the licensee's dentist services will be
 23 performed.

24 (2) Applications must be submitted on forms approved by the board and furnished by the
 25 department. Each application must include all other ~~documentations~~ documentation necessary to establish
 26 that the applicant meets the requirements for licensure and is eligible to take the licensure examination.
 27 Applications must be accompanied by the appropriate fees."

28

29 **Section 35.** Section 37-30-310, MCA, is amended to read:

30 **"37-30-310. Instructor's certificate required -- application and qualification -- fees.** (1) Except as

1 provided in subsection (3), ~~no~~ a person may not, for a fee, instruct another in the practice of barbering
 2 unless that person holds an instructor's certificate issued by the board.

3 (2) The board shall issue an instructor's certificate to:

4 (a) any person engaged as an instructor in a barber college on October 1, 1983, upon payment of
 5 the certification fee; or

6 (b) any person who passes the instructor's examination given by the department and pays a
 7 certification fee established by the board.

8 (3) This section does not apply to persons paying the ~~annual~~ license fee required by 37-30-424."
 9

10 **Section 36.** Section 37-30-424, MCA, is amended to read:

11 **"37-30-424. Fee for advanced barber training program, clinic, or seminar.** ~~Any~~ A person who is
 12 not a resident of this state ~~conducting~~ who conducts in this state any advanced barber training program,
 13 clinic, or seminar for barbers as defined in this chapter shall pay ~~an annual~~ a license fee prescribed by the
 14 board to the department or a 10-day license fee prescribed by the board and display the license while
 15 operating. ~~Any such~~ An advanced barber training program, clinic, or seminar may be inspected by the
 16 department at reasonable times during operation."
 17

18 **Section 37.** Section 37-30-423, MCA, is amended to read:

19 **"37-30-423. Initial inspection fee -- renewal.** (1) In addition to the fees and charges provided by
 20 law on March 11, 1939, barbershops established prior to that date and ~~which~~ that had been under the
 21 inspection of the board shall pay ~~an annual~~ a license fee set by the board based on clerical and
 22 administrative costs. Barbershops established after March 11, 1939, shall pay an initial inspection fee
 23 prescribed by the board for the first ~~year or portion thereof~~ licensure period or portion of the licensure
 24 period and shall pay ~~an annual~~ a license fee set by the board.

25 (2) Barbershop, school, or college licenses, once issued, expire ~~each year~~ on the date established
 26 by rule of the department, and an owner or manager of a barbershop, school, or college ~~which~~ that
 27 continues in active operation shall ~~annually~~, before the expiration date, renew ~~his~~ the barbershop, school,
 28 or college license and pay the required fee. A barbershop ~~which~~ that fails to have the license renewed
 29 before the expiration date ~~each year~~ shall, on renewal, pay a penalty prescribed by the board, and a barber
 30 school or college ~~which~~ that fails to have the license renewed before the expiration date ~~each year~~ shall,

1 on renewal, pay a penalty prescribed by the board."

2

3 **Section 38.** Section 37-31-302, MCA, is amended to read:

4 **"37-31-302. License required to practice, teach, or operate salon, booth, or school.** (1) A person
5 may not practice or teach cosmetology or practice or teach manicuring without a license.

6 (2) A place may not be used or maintained for the teaching of cosmetology or manicuring for
7 compensation except under a certificate of registration.

8 (3) A person may not operate or manage a cosmetology salon or a manicuring salon or practice
9 cosmetology or manicuring without a manager-operator license.

10 (4) A person may not operate or conduct a school of cosmetology or a school of manicuring and
11 teach the art of cosmetology or manicuring without a license to teach cosmetology.

12 (5) A person may not manage or operate a booth without a booth rental license.

13 (6) A person, firm, partnership, or corporation desiring to operate a cosmetology salon shall make
14 an application to the department for a certificate of registration and license. The application must be
15 accompanied by the ~~annual~~ registration fee.

16 (7) A license may not be issued until the inspection fees required in 37-31-312 have been paid."

17

18 **Section 39.** Section 37-32-305, MCA, is amended to read:

19 **"37-32-305. Fees -- renewal -- deposit of money collected.** (1) The fee for an original electrologist
20 license must be set by the board. The renewal is automatic, unless revoked or suspended for cause, and
21 the renewal fee must be set by the board.

22 (2) The fee for an original electrologist salon license fee must be the same as that for cosmetology
23 salons. The renewal fee must be the same as that for cosmetology salons.

24 (3) A license issued under this chapter expires on the date set by department rule and may be
25 renewed ~~annually~~ at periodic intervals as determined by department rule. Failure to renew subjects the
26 licensee to a late renewal fee prescribed by the board to be added to the regular renewal fee. The right to
27 renew by payment of the late renewal fee expires after 3 years of nonpayment.

28 (4) All fees or money collected by the department under this chapter must be deposited in the state
29 special revenue fund for the use of the board in administration of the chapter."

30

1 **Section 40.** Section 37-40-203, MCA, is amended to read:

2 **"37-40-203. Rulemaking power.** (1) The board may adopt rules, consistent with the purposes of
3 this chapter, as it considers necessary.

4 (2) The board's rulemaking and hearing functions must be in accordance with the Montana
5 Administrative Procedure Act. The board shall adopt rules:

6 (a) establishing standards of professional conduct in order to maintain a high standard of integrity,
7 dignity, and competency in the profession of sanitarian, including competency in specific fields of
8 sanitation;

9 (b) governing the conduct of matters before the board;

10 (c) governing educational equivalency requirements, as provided in 37-40-302, for registration of
11 sanitarians; and

12 (d) defining qualifications for sanitarian-in-training status for issuance of the initial ~~annual~~ permit."
13

14 **Section 41.** Section 37-40-304, MCA, is amended to read:

15 **"37-40-304. Fees -- renewal.** (1) An applicant for a license shall pay a fee set by the board in an
16 amount commensurate with examination and administrative costs.

17 (2) A registered sanitarian may renew the license by paying ~~an annual~~ a renewal fee and meeting
18 qualifications set by the board.

19 (3) Renewal fees are due on or before the renewal date set by department rule. If the renewal fee
20 is not paid, the license expires. Licenses which have lapsed for failure to pay renewal fees may be reissued
21 under rules adopted by the board."
22

23 **Section 42.** Section 37-50-203, MCA, is amended to read:

24 **"37-50-203. Rules of the board.** (1) The board may adopt rules, consistent with the purposes of
25 this chapter, as it considers necessary.

26 (2) The board shall adopt:

27 (a) rules of professional conduct appropriate to establish and maintain a high standard of integrity,
28 dignity, and competency in the profession of public accounting, including competency in specific fields of
29 public accounting;

30 (b) rules of procedure governing the conduct of matters before the board;

1 (c) rules governing education requirements, as provided in 37-50-305, for issuance of the
2 certificate of a certified public accountant and the license for licensed public accountant;

3 (d) rules governing partnerships and corporations practicing public accounting, including but not
4 limited to rules concerning their style, name, title, and affiliation with any other organization and
5 establishing reasonable standards with respect to professional liability insurance and unimpaired capital and
6 prescribing joint and several liability for torts relating to professional services for shareholders of any
7 corporation failing to comply with the standards;

8 (e) rules defining requirements for accounting experience, not exceeding 2 years, for issuance of
9 the initial ~~annual~~ permit; and

10 (f) rules to enforce the provisions of this chapter. The purpose of the rules must be to provide for
11 the monitoring of the profession of public accounting and to maintain the quality of the accounting
12 profession."
13

14 **Section 43.** Section 37-50-314, MCA, is amended to read:

15 "**37-50-314. ~~Annual permit~~ Permit required -- display.** (1) A person may not engage in the practice
16 of public accounting in this state without a current ~~annual~~ permit issued by the department. ~~An annual~~ A
17 permit to engage in the practice of public accounting in this state must be issued by the department to a
18 person who holds a current certificate as a certified public accountant or license as a licensed public
19 accountant and complies with the requirements of this chapter.

20 (2) The current ~~annual~~ permit to engage in the practice of public accounting must be prominently
21 displayed for public inspection."
22

23 **Section 44.** Section 37-50-317, MCA, is amended to read:

24 "**37-50-317. Certificate, license, and permit expiration -- renewal fees.** (1) Certificates, licenses,
25 and permits issued by the board expire on the date set by department rule.

26 (2) Certificates and licenses must be renewed by the department upon payment of the ~~annual~~
27 periodic renewal fee set by the board and upon compliance with requirements prescribed by the board.

28 (3) Permits must be renewed by the department upon payment of the ~~annual~~ periodic renewal fee
29 and upon compliance with the requirements prescribed by the board."
30

1 **Section 45.** Section 37-51-310, MCA, is amended to read:

2 "**37-51-310. ~~Annual renewal~~ Renewal.** (1) ~~Except as provided in subsection (2), annual fees~~
3 ~~License fees~~ are due and payable for the ensuing year licensure period ~~during the month of December of~~
4 ~~each year~~ at a time prescribed by board DEPARTMENT rule. Failure to remit ~~annual renewal~~ fees before
5 ~~January 1 the expiration date of the licensure period~~ automatically cancels the license, but otherwise the
6 license remains in effect continuously from the date of issuance unless suspended or revoked by the board
7 for just cause.

8 ~~(2) The board may by rule change the annual renewal and automatic cancellation dates provided~~
9 ~~for in subsection (1).~~

10 ~~(3)(2)~~ A licensee who allows ~~his~~ the license to lapse by failing to remit the ~~annual~~ fees before
11 ~~January 1 the expiration date~~ may have ~~his~~ the license reinstated by the board by:

12 (a) within 45 days after ~~January 1 the expiration date~~, providing a satisfactory explanation to the
13 board for ~~his~~ the licensee's failure to renew the license; and

14 (b) paying the current renewal fee prescribed by the board.

15 ~~(4)(3)~~ The board may also charge a late fee equal to twice the current renewal fee, but no less than
16 \$100, to a licensee who does not renew ~~his~~ the license as required by subsection (1)."

17

18 **Section 46.** Section 37-51-603, MCA, is amended to read:

19 "**37-51-603. Qualification of property manager applicants -- examination -- form of licenses.** (1)
20 The board by rule shall require an applicant for licensure to provide information that the board believes is
21 necessary to ensure that a person granted a property manager license is of good repute and competent to
22 transact the business of a property manager in a manner that safeguards the welfare and safety of the
23 public.

24 (2) (a) The board shall require an applicant for a property manager license to:

25 (i) apply for licensure to the department;

26 (ii) furnish written evidence that the applicant has completed the number of classroom hours that
27 the board determines appropriate in a course of study approved by the board and taught by instructors
28 approved by the board; and

29 (iii) satisfactorily complete an examination dealing with the material taught in the course of study.

30 (b) The course of study must include the subjects of real estate leasing principles, real estate

1 leasing law, and related topics.

2 (3) Examinations must be given at least once every 4 months at places within the state that the
3 board prescribes. The board shall establish by rule the contents of and requirements to pass the
4 examination.

5 (4) An applicant for licensure as a property manager must be at least 18 years of age and must
6 have graduated from an accredited high school or completed an equivalent education as determined by the
7 board.

8 (5) The board shall prescribe the form of the license, and the license must bear the seal of the
9 board. A property manager shall display the license conspicuously in the property manager's place of
10 business.

11 (6) The department shall prepare and deliver ~~annually~~ to the licensee a pocket card in a form and
12 at times prescribed by the board."

13

14 **Section 47.** Section 37-65-306, MCA, is amended to read:

15 "**37-65-306. ~~Annual-renewal~~ Renewal -- fee.** A licensed architect in this state who desires to
16 continue the practice of the profession shall ~~annually~~, on or before the renewal date set by department rule:

17 (1) pay to the department a reasonable fee as prescribed by the board; and

18 (2) present evidence to the board of continued qualification for licensure."

19

20 **Section 48.** Section 37-66-307, MCA, is amended to read:

21 "**37-66-307. ~~Annual-renewal~~ Renewal -- withdrawal -- deposit of fees.** (1) Certification of licensure
22 or renewal of registration expires on the date set by department rule. Renewal may be effected on or before
23 the renewal date by payment to the department of the required fee. The board shall issue current renewal
24 registration to each landscape architect promptly upon payment of the ~~annual~~ renewal registration fee.

25 (2) Any registrant in good standing, upon ceasing to practice landscape architecture, shall give
26 written notice to the board, and the board shall suspend the license. The person may resume practice upon
27 payment of the then-current fee and upon approval by the board.

28 (3) All fees received under the provisions of this chapter must be deposited in the state special
29 revenue fund by the department. The money collected must be used by the department to carry out the
30 purpose, duties, and responsibilities ~~of the~~ set forth in this chapter, subject to 37-1-101(6)."

1 **Section 49.** ~~Section 37-68-303, MCA, is amended to read:~~

2 ~~"37-68-303. **Apprentice may work under licensed electrician -- early examination -- record of**~~
3 ~~**apprentices.** (1) This chapter does not prohibit a person from working as an apprentice in the trade of~~
4 ~~electrician with an electrician licensed under this chapter and under rules made by the board.~~

5 ~~(2) An apprentice registered with the department of labor and industry may take the examination~~
6 ~~required under 37-68-305 at any time an examination is offered by the board during the 6 months before~~
7 ~~the expiration of the apprenticeship if the apprentice has:~~

8 ~~(a) completed the instructional requirements in 39-6-106(1)(c); and~~

9 ~~(b) compiled a minimum of 7,000 documented hours in the apprenticeship program.~~

10 ~~(3) The name and residence of each apprentice and the name and residence of his the apprentice's~~
11 ~~employer shall must be filed with the department, and a record shall must be kept by the department~~
12 ~~showing the name and residence of each apprentice."~~

13

14 **Section 49.** Section 37-68-307, MCA, is amended to read:

15 "**37-68-307. Examination procedure -- issuance of master, journeyman, or residential electrician's**
16 ~~license -- expiration.~~ (1) To ensure impartiality, the examination for either the residential, master's or
17 journeyman's license must be by numbers drawn by lot. A paper may not be marked with the name of an
18 applicant, but must be anonymously graded by the department. The examination passing grade is 75%.

19 (2) ~~If Except as provided in subsection (3), if~~ IF it is determined that the applicant has passed the
20 examination, the department, on payment by the applicant of the fee, shall issue to the applicant a license
21 that authorizes the licensee to engage in the business, trade, or calling of a residential electrician,
22 journeyman electrician, or master electrician.

23 ~~(3) If the applicant is an apprentice registered with the department of labor and industry and the~~
24 ~~applicant passes the examination, the department may not issue a license to the applicant until the~~
25 ~~applicant has paid the appropriate license fee and the department of labor and industry notifies the~~
26 ~~department that the applicant's apprenticeship has been completed.~~

27 ~~(3)(4)(3) Each~~ Unless otherwise provided by rules established by the board DEPARTMENT, each
28 original license expires on a July 15 that is not more than 3 years subsequent to the date of issuance,
29 ~~at the discretion of the board."~~

30

1 **Section 50.** Section 37-68-310, MCA, is amended to read:

2 "**37-68-310. License renewal ~~every three years period~~ -- renewal of lapsed licenses.** Licenses of
3 residential electricians, journeyman electricians, or master electricians, unless they have been suspended
4 or revoked by the board or unless the board DEPARTMENT changes the duration of the renewal period,
5 must be renewed for a period of 3 years by the department on application for renewal made to the
6 department on or before the renewal date set by department rule and on the payment of a renewal fee. If
7 application for renewal is not made on or before the renewal date, an additional fee prescribed by board
8 rule must be paid. It is unlawful for a person who refuses or fails to pay the renewal fee to practice
9 electrical work in this state. A person with a lapsed license may be issued a renewal license without
10 examination if the applicant pays the original renewal fee and any delinquency fee within 1 year of the
11 license expiration date. A lapsed license that is not renewed within 1 year following its expiration date may
12 not be renewed unless the applicant passes the examination and pays the fee required for an original
13 license."

14
15 ~~**Section 52.** Section 37-69-302, MCA, is amended to read:~~

16 ~~"**37-69-302. Apprenticeship allowed -- early license examination.** (1) This chapter does not prohibit
17 a person from working as an apprentice in the trade of plumbing with a plumber licensed by the department
18 under the supervision of a licensed journeyman or master plumber. Only those apprentices registered with
19 the department of labor and industry apprenticeship program will be recognized by the department.~~

20 ~~(2) An apprentice registered with the department of labor and industry may take the examination
21 required under 37-69-304 at any time an examination is offered by the board during the 6 months before
22 the expiration of the apprenticeship if the apprentice has:~~

23 ~~(a) completed the instructional requirements in 39-6-106(1)(c); and~~

24 ~~(b) compiled a minimum of 54 months or not less than 7,600 documented hours in the
25 apprenticeship program.~~

26 ~~(3) The name and residence address of each apprentice and the names and residences of their
27 employers shall name and address of each sponsor must be filed with the department, and a record shall
28 must be kept by the department."~~

29
30 ~~**Section 53.** Section 37-69-306, MCA, is amended to read:~~

1 ~~"37-69-306. Examination—issuance of license. (1) An applicant for a license to work in the field~~
 2 ~~of plumbing shall must be examined as to his the applicant's qualifications by the department, subject to~~
 3 ~~37-1-101(4). The department shall examine each applicant for a license to determine his the applicant's skill~~
 4 ~~and qualifications as a master plumber or journeyman plumber.~~

5 ~~(2) The master or journeyman applicant, upon successfully passing the examination prescribed by~~
 6 ~~the board, shall must be issued a license authorizing him the applicant to engage in the field of plumbing~~
 7 ~~as a master plumber or journeyman plumber in the state of Montana.~~

8 ~~(3) In the case of a firm or corporation, the examination and issuance of a license to an individual~~
 9 ~~of the firm or to a principal of the firm or corporation satisfies the requirements of this chapter as to master~~
 10 ~~plumbers but not as to journeyman plumbers. No An individual, firm, or corporation may not do the work~~
 11 ~~of a master plumber unless licensed under this chapter."~~

12
 13 **Section 51.** Section 37-69-307, MCA, is amended to read:

14 ~~"37-69-307. Examination fee and annual renewal fee. (1) ~~No~~ An applicant for a master plumber's~~
 15 ~~license may not submit to the examinations prescribed by the board until ~~he~~ the applicant has deposited~~
 16 ~~with the department an examination fee prescribed by the board, and no an applicant for a journeyman~~
 17 ~~plumber's license may not submit to the examination prescribed by the board until ~~he~~ the applicant has~~
 18 ~~deposited with the department an examination fee as prescribed by the board.~~

19 ~~(2) A license when issued expires each year on the date established by rule of the department. A~~
 20 ~~license issued to a master plumber or a journeyman plumber may be renewed annually without~~
 21 ~~examination, at any time prior to its expiration, by a written request for its renewal directed to the~~
 22 ~~department and the payment of a fee as set by the board for renewal of a master plumber's license or a~~
 23 ~~fee as set by the board for renewal of a journeyman plumber's license. Renewal is for the period of 1 year~~
 24 ~~established by the board DEPARTMENT by rule.~~

25 ~~(3) Fees prescribed by the board pursuant to this section must be reasonably related to the costs~~
 26 ~~incurred by the board in carrying out its respective functions."~~

27
 28 **Section 52.** Section 37-72-306, MCA, is amended to read:

29 ~~"37-72-306. Annual renewal Renewal. (1) A license issued under this chapter expires January 1~~
 30 ~~following the date of its issuance or renewal and is invalid thereafter after the renewal date established by~~

1 the department by rule. The department shall notify each person licensed under this chapter of the date of
 2 the expiration of ~~his~~ the person's license and the amount of ~~his~~ the license renewal fee. The notice must
 3 be mailed to each licensed construction blaster at ~~his~~ the blaster's listed address at least 1 month before
 4 the expiration of ~~his~~ the blaster's license.

5 (2) Renewal may be made by application during the 60 days prior to the expiration date. Failure
 6 on the part of a licensee to pay ~~his~~ the renewal fee by the expiration date does not deprive ~~him~~ the licensee
 7 of the right to renew ~~his~~ the licensee's license, but the fee must be increased 10% for each month or major
 8 portion ~~thereof~~ of a month that the payment of the renewal fee is delayed after the expiration date. The
 9 maximum fee for delayed renewal may not exceed twice the normal renewal fee. Application for renewal
 10 following a lapse of 1 year or more is subject to review by the department, and the applicant may be
 11 required to successfully complete an examination."

12

13 **Section 53.** Section 50-39-102, MCA, is amended to read:

14 "**50-39-102. Application for license and endorsements.** (1) An application for a license and any
 15 endorsements must be made on a form prescribed by the department of commerce.

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

17 (a) submits satisfactory proof that the applicant is properly equipped and staffed to provide the
 18 sales or services to be licensed and endorsed; and

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

21 (3) The department shall:

22 (a) issue an endorsement to an applicant who scores a passing grade on an examination devised
 23 or approved by the department; and

24 (b) ~~annually~~ renew the endorsement at time intervals prescribed by the department and upon
 25 payment of the endorsement fee and submission of satisfactory proof that the endorsee has completed
 26 continuing education, training, or testing required by the department."

27

28 **Section 54.** Section 50-74-313, MCA, is amended to read:

29 "**50-74-313. Renewal of licenses.** (1) All certificates of license to engineers of all classes ~~shall~~
 30 must be renewed yearly, except as herein provided at periodic intervals as established by the board

1 DEPARTMENT by rule.

2 (2) Any engineer failing to renew ~~his~~ the license ~~as herein provided or~~ within at least 30 days after
3 the date of expiration ~~shall~~ must be assessed the fee for the original license of the same grade before the
4 license will be reissued.

5 (3) Any engineer failing to renew ~~his~~ the license within 12 months of the date of expiration ~~must~~
6 shall reapply for an engineer's license as required by the provisions of 50-74-303 through 50-74-308.

7 (4) Any engineer whose license expired while ~~such~~ the engineer was in the military or naval service
8 of the United States ~~shall have 90 days from the time such engineer is discharged from such military or~~
9 ~~naval service within which to renew his~~ shall within 90 days of discharge renew the license at the renewal
10 fee."

11

12 **Section 55.** Section 50-76-105, MCA, is amended to read:

13 "**50-76-105. Renewal and period of validity of license.** The license is valid for ~~1 year from the date~~
14 ~~of issuance~~ a period established by the board DEPARTMENT OF COMMERCE by rule and may be renewed
15 in the same manner provided by law for the renewal of a license to operate steam engines, boilers, or
16 steam-driven machinery under chapter 74 of this title."

17

18 **NEW SECTION. Section 56. Coordination instruction. INSTRUCTIONS.** (1) If House Bill No. 266
19 and [this act] are both passed and approved, then [section 1(3)(b) of this act] ~~is void~~ **MUST READ AS**
20 **FOLLOWS:**

21 **"(B) UP TO \$44,391 FROM MONEY DEPOSITED IN THE STATE SPECIAL REVENUE FUND**
22 **PURSUANT TO 37-68-313 AND 37-69-308, IN PROPORTIONS DETERMINED BY THE DEPARTMENT OF**
23 **COMMERCE. THE APPROPRIATION MAY BE USED ONLY FOR A HALF-TIME ADMINISTRATIVE SUPPORT**
24 **POSITION TO BE SHARED BY THE STATE ELECTRICAL BOARD PROVIDED FOR IN 2-15-1874 AND THE**
25 **STATE BOARD OF PLUMBERS ESTABLISHED IN 2-15-1875;"**.

26 **(2) IF HOUSE BILL NO. 396 AND [THIS ACT] ARE BOTH PASSED AND APPROVED, THEN**
27 **27-6-206(3) MUST READ AS FOLLOWS:**

28 **"(3) THE ANNUAL SURCHARGE MUST BE PAID ON OR BEFORE APRIL 1 OF EACH YEAR. ALL**
29 **UNPAID ASSESSMENTS BEAR A LATE CHARGE FEE EQUAL TO THE JUDGMENT RATE OF INTEREST. THE**
30 **LATE CHARGE FEE IS PART OF THE ANNUAL SURCHARGE. THE PANEL MAY COLLECT THE ANNUAL**

1 SURCHARGE BY AN ACTION AT LAW."

2

3 NEW SECTION. Section 57. Effective date. [This act] is effective July 1, 1997.

4 -END-