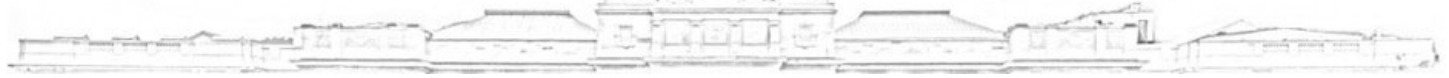




ADMINISTRATIVE RULES OF MONTANA



23.3.990 REVIEW OF DENIAL, SUSPENSION, OR REVOCATION OF CERTIFICATION

- (1) The administrator or designee may deny, suspend, or revoke a letter of certification for an IID, manufacturer, or vendor certification receiving evidence that any certificate holder has failed to comply or no longer complies with any requirement or provision of law or this chapter. The following process will be used:
 - (a) the administrator or designee will give the applicant or certificate holder notice of the action and an opportunity to be heard prior to denial, suspension, or revocation of the letter of certification, except as provided in (2);
 - (b) upon receiving notice of the action, the applicant or certificate holder may request an administrative hearing to contest the decision. A request for an administrative hearing must:
 - (i) be made in writing and mailed to the Motor Vehicle Division; and
 - (ii) be received by the patrol's Motor Vehicle Division within twenty business days after the date of the notice of action.
- (2) The administrator or designee may, without prior notification, suspend a letter of certification for a device, service center, or ignition interlock technician if the administrator or designee finds that there is danger to the public health, safety, or welfare that requires immediate action.
- (3) Failure to request a hearing or failure to appear at a hearing, a prehearing conference, or any other stage of an adjudicative proceeding may constitute default and result in the entry of a final order.
- (4) Administrative proceedings for revocation or other action will be promptly instituted and determined. The administrator or designee must give notice as practicable to the letter of certificate holder.
- (5) Unless the administrator or designee finds that immediate revocation is necessary or unless the certificate holder timely requests a hearing as provided under this section, a decision to revoke or suspend will be effective thirty days from the date of the notice of action decision unless the administrator or designee finds that immediate revocation is necessary.

Authorizing statute(s): 61-8-1025, MCA

Implementing statute(s): 61-8-1025, MCA

History: NEW, 2017 MAR p. 896, Eff. 1/1/18; AMD, 2023 MAR p. 411, Eff. 4/29/23.