



ADMINISTRATIVE RULES OF MONTANA



23.16.105 WITHDRAWAL OF APPLICATION

- (1) An applicant may request withdrawal of an application at any time prior to final department action upon the application by filing a written request to withdraw. The department will respond within 30 days of receipt of the applicant's request for withdrawal.
- (2) The department may, in its discretion, grant the request with or without prejudice. If the division's decision to grant a request to withdraw an application is made with prejudice, it must be based on a finding that the applicant has engaged or is engaging in an act or practice constituting a violation of a provision of Title 23, chapter 5, MCA, or a rule or order of the department, or that the applicant is a person whom the department determines is not qualified to receive a license under 23-5-176, MCA, or ARM 23.16.107. This decision is subject to challenge pursuant to the Montana Administrative Procedure Act.
- (3) If a request for withdrawal is granted with prejudice, the applicant is not eligible to apply again for licensing or approval until after expiration of one year from the date of the final department action upon the decision to grant the withdrawal of the application with prejudice.

Authorizing statute(s): 23-5-115, MCA

Implementing statute(s): 23-5-115, 23-5-136, 23-5-176, MCA

History: NEW, 1993 MAR p. 2786, Eff. 11/25/93; NEW, 1994 MAR p. 2834, Eff. 10/28/94; AMD, 1997 MAR p. 404, Eff. 2/25/97.