



ADMINISTRATIVE RULES OF MONTANA

24.101.415 CONTINGENT LITIGATION FUND

- (1) [House Bill 227, Section 1 (2025)] requires licensees to pay a fee into the contingent litigation fund if licensed by a covered board or program.
 - (a) A list of covered boards and programs will be published by the department on its website annually by June 30, and is applicable to licensees beginning July 1 of the same year.
 - (b) Licensees of covered boards and programs shall pay a fee of \$5 on initial application or renewal, as applicable, in the covered year.
- (2) Money in the contingent litigation fund will be distributed as follows:
 - (a) By March 31 of each year, all eligible expenses will be identified.
 - (i) If the fund contains sufficient money to cover all eligible expenses, transfers to the applicable board or program will be made.
 - (ii) If the fund does not contain sufficient money to cover all eligible expenses, money will first be allocated to any board whose operations may be suspended pursuant to 37-1-101 without recovery. If multiple boards are subject to suspension, money will be allocated on a pro rated basis between them. Any additional money in the fund will be allocated among the remaining boards and programs on a pro rated basis.
 - (b) By June 30 of each year, eligible expenses not previously covered will be identified.
 - (i) If the fund contains sufficient money to cover all eligible expenses, transfers to the applicable board or program will be made. If there is any remaining money in the fund, it will be transferred to pay previous expenses on a pro rated basis.
 - (ii) If the fund does not contain sufficient money to cover all eligible expenses, money will first be allocated to any board whose operations may be suspended pursuant to 37-1-101 without recovery. If multiple boards are subject to suspension, money will be allocated on a pro rated basis between them. Any additional money in the fund will be allocated among the remaining boards and programs on a pro rated basis.
- (3) As used in this rule, the following definitions apply:
 - (a) "Eligible expenses" means attorney fees and costs accrued during the current fiscal year by a board or program listed under subsection (1) for which recovery is permitted under [House Bill 227, Section 1 (2025)].
 - (b) "Previous expenses" means attorney fees and costs accrued during the previous fiscal year by a board or program listed under subsection (1) during that fiscal year for which recovery is permitted under [House Bill 227, Section 1 (2025)].

Authorizing statute(s): [House Bill 227, Section 1 (2025)]

Implementing statute(s): [House Bill 227, Section 1 (2025)]

History: NEW, 2025 MAR, Notice No. 2025-117, Eff. 7/1/25.