



ADMINISTRATIVE RULES OF MONTANA



32.24.401 PENALTIES

- (1) Bureau staff must take reasonable administrative actions to assist a person's compliance with applicable law, rules, and orders before the board may impose any of the penalties in (2). If bureau staff cannot secure a person's compliance through administrative action, they must recommend to the board chair that a hearing be scheduled to consider assessment of a penalty.
- (2) The board may refuse to grant a license, may suspend a license already granted, may revoke a license already granted, or may assess a civil penalty for any of the following:
 - (a) violation of any provision of Title 81, chapter 23, MCA;
 - (b) violation of any provision of ARM Title 32, chapter 24;
 - (c) violation of any board order;
 - (d) failure or refusal to make required statements or reports; or
 - (e) failure to pay license or assessment fees.
- (3) Before imposing any of the penalties in (2), the board must provide due notice, a hearing, and due cause for the penalty. The contested case procedure in the Montana Administrative Procedure Act applies to these hearings.
- (4) Following a determination of due cause for a penalty, the board may order that a penalty be imposed. In place of suspension or revocation of the license, the board may assess a civil penalty, not to exceed \$500 per day for each daily failure to comply or each daily violation, with a deadline for when the payment is due. A person assessed a civil penalty who fails to pay that penalty immediately when due may be subject to further compliance proceedings for failure to comply with the board's order and will be subject to civil proceedings to collect the civil penalty.
- (5) A license revoked for failure to pay an assessment under ARM 32.24.450 when due may be reinstated.
 - (a) A license revoked for failure to pay an assessment under ARM 32.24.450 when due must be reinstated upon payment of:
 - (i) all accrued assessments through the date the license was revoked; and
 - (ii) a delinquency fee not to exceed 200% of the amount of all accrued assessments.
 - (b) An assessment becomes delinquent the day after it was due.

Authorizing statute(s): 81-23-104, 81-23-202, MCA

Implementing statute(s): 81-23-103, 81-23-202, 81-23-204, MCA

History: NEW, 2016 MAR p. 588, Eff. 4/9/16; AMD, 2017 MAR p. 1151, Eff. 8/1/17.