



ADMINISTRATIVE RULES OF MONTANA



17.56.1421 DISCIPLINARY AND OTHER LICENSING ACTION GENERALLY

- (1) The department may restrict, condition, modify, suspend, revoke, or refuse to renew any license, previously issued under this subchapter upon finding substantial evidence that the licensee has committed any of the following:
 - (a) failure to meet the standards for issuance of an original license, as provided in 75-11-210 and 75-11-211, MCA, and this subchapter;
 - (b) fraud or deceit in applying for a license or permit;
 - (c) a violation of any statute or rule governing the installation, closure, or inspection of an underground storage tank system of the department, the United States, any other state or U.S. territory;
 - (d) a violation of any statute or rule of the department governing the licensing of underground tank system installers, removers, or compliance inspectors, including any of the rules of professional conduct provided in this subchapter;
 - (e) a violation of the terms of any department-issued license, permit, order, or stipulation issued or agreed to by the department relating to the installation, modification, repair, closure, or inspection of an underground storage tank system;
 - (f) a violation that resulted in the suspension or revocation of a similar license in this state, another state, or U.S. territory; or
 - (g) failure to pay the license fees required by ARM 17.56.1404.
- (2) The department may also restrict, condition, or modify any license upon its finding that there is substantial evidence that:
 - (a) the licensee lacks the education, training, or experience necessary to conduct any installation, closure, or inspection; and
 - (b) the condition or modification is necessary to protect the environment or the health, welfare, or safety of the licensee, the licensee's employee(s), or the public.
- (3) In determining whether to restrict, condition, modify, suspend, revoke, or refuse to renew a license under this rule, the department shall consider:
 - (a) the type and seriousness of any violation, including the degree of culpability of the licensee;
 - (b) the threat of or actual injury to health, welfare, or safety of the licensee, the licensee's employee(s), the public, or to the environment; and
 - (c) any past or pending disciplinary actions against the licensee.

- (4) The department shall restrict, condition, modify, suspend, revoke, or refuse to renew any license under this rule in the manner provided by this rule and ARM 17.56.1423 through 17.56.1426.
- (5) An order issued by the department under this rule must be sent to the licensee and must be accompanied by a written statement of the reasons for and term(s) and condition(s) of the department's action and a written statement of the rights of the licensee, including the right to appeal to the board in accordance with 75-11-218, MCA.
- (6) Action taken by the department under this subchapter is effective pending appeal to the board.

Authorizing statute(s): 75-11-204, MCA

Implementing statute(s): 75-11-204, 75-11-211, 75-11-509, MCA

History: NEW, 1990 MAR p. 1827, Eff. 10/1/90; AMD, 1994 MAR p. 2744, Eff. 10/14/94; TRANS, from DHES, 1995 MAR p. 2259; AMD & TRANS, 2000 MAR p. 2018, Eff. 4/14/00; AMD, 2016 MAR p. 1694, Eff. 9/24/16.