



ADMINISTRATIVE RULES OF MONTANA



17.24.1219 INDIVIDUAL CIVIL PENALTIES: PROCEDURE FOR ASSESSMENT

- (1) The department shall serve on each individual to be assessed an individual civil penalty a notice of violation and penalty order.
- (2) The notice of violation and penalty order becomes a final order 30 days after service upon the individual unless:
 - (a) the individual files within 30 days of service of the notice of violation and penalty order a request for hearing pursuant to 82-4-254(3), MCA; or
 - (b) the department and the individual or responsible corporate permittee agree within 30 days of service of the notice of proposed individual civil penalty assessment to a schedule or plan for the abatement or correction of the violation, failure or refusal.
- (3) For purposes of this section, service is sufficient if it would satisfy Rule 4 of the Montana Rules of Civil Procedure for service of a summons and complaint.
- (4) The hearing on the individual civil penalty must be a contested case hearing conducted in accordance with 82-4-206(2), MCA.

Authorizing statute(s): 82-4-205, MCA

Implementing statute(s): 82-4-254, MCA

History: NEW, 1990 MAR p. 936, Eff. 5/18/90; TRANS, from DSL, 1996 MAR p. 3042; AMD, 2004 MAR p. 2548, Eff. 10/22/04; AMD, 2006 MAR p. 1139, Eff. 5/5/06; AMD, 2024 MAR p. 260, Eff. 2/10/24.