



ADMINISTRATIVE RULES OF MONTANA



42.2.205 PROCESS TO QUASH AN ADMINISTRATIVE SUMMONS

- (1) Interested persons served with notice of an administrative summons may begin a proceeding to quash the summons in either the district court in the county in which the person resides or in the district court of the first judicial district not later than the 20 days after the notice of summons is received by the interested person. Notice is deemed given as provided for in Rule 45, Montana Rules of Civil Procedure.
- (2) If a person begins any such proceeding, such person shall mail, by registered or certified mail, a copy of the petition to the person summoned and to the department's contact person.
- (3) In any proceeding to quash the summons, the department may seek compliance with the summons.
- (4) If no proceeding to quash is brought within the period proscribed in (1) , the interested person may not interfere with the voluntary giving of testimony or disclosure of records sought in the department's summons. Failing to initiate such a proceeding to quash, however, does not prohibit an interested person from intervening in a subsequent action brought by the department to enforce the summons.

Authorizing statute(s): 15-1-201, 25-5-103, MCA

Implementing statute(s): 15-1-301, MCA

History: NEW, 2006 MAR p. 681, Eff. 3/10/06.