



ADMINISTRATIVE RULES OF MONTANA



1.3.227 DECLARATORY RULINGS, CONTENT OF PETITION

- (1) A petition for declaratory ruling must be typewritten or printed.
- (2) The petition must include:
 - (a) the name and address of petitioner;
 - (b) a detailed statement of the facts upon which petitioner requests the agency to base its declaratory ruling;
 - (c) sufficient facts to show that petitioner will be affected by the requested ruling;
 - (d) the rule or statute for which petitioner seeks a declaratory ruling;
 - (e) the questions presented;
 - (f) propositions of law asserted by petitioner;
 - (g) the specific relief requested; and
 - (h) the name and address of any person known by petitioner to be interested in the requested declaratory ruling.
- (3) See sample form 227a.
- (4) The record in a declaratory ruling proceeding shall include:
 - (a) the petition;
 - (b) a statement of matters officially noticed;
 - (c) if for good cause shown the agency has held hearings on the petition, a stenographic record of the proceedings when demanded by a party; and
 - (d) the ruling.

Sample Form 227a: Petition for Declaratory Ruling

BEFORE THE [agency] OF THE STATE OF MONTANA

In the matter of [summary; for example:])

Application of John Doe, an insurance) PETITION FOR
producer, for a declaratory ruling on the) DECLARATORY RULING
applicability of 33-17-1001(1)(d), MCA,)
to his trust account])

1. Petitioner's name and address is [name, address].

2. [Facts, for example: Petitioner maintains an insurance office in his residence in Anytown, Montana. As part of his business, petitioner maintains a trust account and a joint checking account under one number. Petitioner regularly deposits checks received from clients into the checking account for future transmittal to petitioner's employer, Sandy Bottom Insurance Company of North Dakota. The insurance commissioner has threatened to bring proceedings under 33-17-1001(1)(d), MCA, for revocation of petitioner's license.]

3. The [statute, regulation, order] as to which petitioner requests a declaratory ruling is [number], which provides that [pertinent provisions].

4. The question presented for declaratory ruling by the agency is [for example: whether the above statute makes the producer's license subject to revocation for maintaining a combination trust account and private account].

5. Petitioner contends that [for example: his activity is not an illegal withholding, because he does not use any of the deposited money in trust for his own use].

6. Petitioner requests a declaratory rule that [for example: he maintains one checking account for both trust and private moneys without violation of 33-17-1001(1)(d), MCA].

7. (Option 1): Petitioner knows of no other party similarly affected; or (Option 2): Petitioner knows of the following parties who are similarly affected: [names].

Dated this _____ day of _____, 20__.

[name]

Authorizing statute(s): 2-4-202, MCA

Implementing statute(s): 2-4-202, MCA

History: Eff. 12/31/72; AMD, 1977 MAR p. 1192, Eff. 12/24/77; AMD, 1979 MAR p. 1235, Eff. 10/12/79; AMD, 1992 MAR p. 1242, Eff. 6/12/92; AMD, 2008 MAR p. 1700, Eff. 8/15/08.