



ADMINISTRATIVE RULES OF MONTANA

2.59.1742 REVIEWING ADVERSE CREDIT HISTORY AND OTHER INFORMATION

- (1) In making a determination whether an applicant has demonstrated financial responsibility, character, and general fitness, the department shall consider the following:
 - (a) the individual's credit history reflected in a credit report;
 - (b) supplemental information and documentation requested from and provided by the individual as determined necessary by the department;
 - (c) responses and information contained in the individual's application filings;
 - (d) previous and current license history with the department, to include any regulatory actions that have occurred;
 - (e) other information that reflects upon the financial responsibility, character, and general fitness, whether favorably or adversely;
 - (f) the timing and context of the information reviewed;
 - (g) patterns of conduct; and
 - (h) factors indicating that financially adverse information may be the result of the involuntary loss of job or income, divorce, or health issues. Under such circumstances, the individual shall provide documents showing attempted workout arrangements with creditors or other factors indicating the individual has made an attempt to correct his or her financial difficulties.
- (2) The department may not base a license application denial solely on a license applicant's credit score.
- (3) In determining financial responsibility, the department shall consider the totality of the applicant's credit history, and surrounding circumstances, in exercising its discretion under 32-9-120(1)(c), MCA.
- (4) Although the following is not an exclusive list, the department may consider the following factors, or a combination thereof, in determining whether to deny, condition, suspend, or revoke a license. The individual:
 - (a) has failed to fully provide any documentation required by the department;
 - (b) has made a false attestation associated with a filing related to an application for a license or a license renewal;
 - (c) has failed to pay in full any past due account, lien, judgment, or charged-off balance either as of the date of the issuance of a credit report to the department, or at time of initial

licensure, designation as a control person or ultimate equity owner, or at renewal of any license. In reviewing this factor, the department shall make an exception for any account, lien, judgment, or charged-off balance that is solely due to medical expenses;

- (d) is in arrears or has failed to comply with the terms of a repayment plan or agreement entered into with a creditor;
- (e) has failed to make timely payments under a plan or agreement with any state or federal tax or other regulatory agency; and
- (f) has any of the factors listed in ARM 2.59.1740(2).

Authorizing statute(s): 32-9-130, MCA

Implementing statute(s): 32-9-113, 32-9-117, 32-9-120, MCA

History: NEW, 2012 MAR p. 183, Eff. 1/27/12.