



ADMINISTRATIVE RULES OF MONTANA



17.53.104 ADMINISTRATIVE PENALTY

- (1) Assessment of an administrative penalty under this rule must be made in conjunction with an administrative order, notice of violation, or other administrative action authorized under Title 75, chapter 10, part 4, MCA.
 - (a) The order, notice of violation, or notice of other administrative action may be served upon the violator or the violator's agent either by personal service or by certified mail. Service by mail is complete on the date of mailing.
 - (b) Each order, notice of violation, or notice of other administrative action that assesses an administrative penalty must include the following:
 - (i) a statement of the statutory or rule section(s) violated;
 - (ii) a statement of the facts constituting the violation(s) for which the penalty is assessed;
 - (iii) a statement of the amount of the penalty assessed; and
 - (iv) notice of opportunity to request a hearing before the board in accordance with (2) .
- (2) A person named in an order, notice of violation, or notice of other administrative action that assesses an administrative penalty may request a hearing before the board. A request for hearing must be made in writing and filed with the board within 30 days after the order, notice of violation, or notice of other administrative action is served upon the person requesting the hearing. The order or notice becomes final unless a hearing is requested within the 30-day period.

Authorizing statute(s): 75-10-405, MCA

Implementing statute(s): 75-10-424, MCA

History: NEW, 2001 MAR p. 169, Eff. 1/26/01.