



ADMINISTRATIVE RULES OF MONTANA



2.59.1741 PROCEDURES FOR DETERMINING FINANCIAL RESPONSIBILITY

- (1) If an individual's credit report or response to any application disclosure question contains adverse information, the department shall:
 - (a) notify the individual in writing of the specific items that must be addressed; and
 - (b) specify the documentation that must be provided for the department's consideration and review.
- (2) Examples of the type of documentation that the department may request include, but are not limited to, the following:
 - (a) a written explanation of the circumstances surrounding the adverse information reported; and
 - (b) documents that the department finds necessary for its review of the adverse information including, but not limited to, copies of:
 - (i) satisfactions of judgment;
 - (ii) bankruptcy discharge orders, schedules, or dismissal documents;
 - (iii) satisfactions of outstanding tax liens or other governmental liens;
 - (iv) court documents showing the factual basis underlying the adverse information being reviewed by the department and how the matter was resolved or adjudicated; and
 - (v) account statements or letters from the individual's creditors, or lien or judgment holders, explaining and verifying the current status of any past due accounts, including documentation of any repayment plans and agreements, as well as any temporary or permanent modifications to such accounts.
- (3) Any document provided must be legible and complete. Incomplete documents may not be accepted.
- (4) If the individual is unable to obtain the documents the department requests, the individual shall support that fact with documentation from the source of the unavailable documents consisting of a written statement from the agency or creditor who holds or held the records. The statement must be:
 - (a) written on the agency's or creditor's letterhead indicating that:
 - (i) the agency or creditor does not have any record of the matter;
 - (ii) the record was lost, damaged, or destroyed, or cannot otherwise be produced; and

- (iii) the reason why the information is not available;
- (b) signed by the agency's or creditor's records custodian; and
- (c) include contact information such as phone number, mailing address, or e-mail address.

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. 1253, Eff. 1/27/12; AMD, 2015 MAR p. 923, Eff. 7/17/15.