



ADMINISTRATIVE RULES OF MONTANA

4.12.1431 CIVIL PENALTIES - MATRIX

	1st	2nd	Subsequent
(1) Type of Violation	Offense	Offense	Offenses
(a) Operating without a nursery license or refusal to pay the licensing fee required after being fully advised of its requirement.	\$300	\$600	\$1000
(b) Misrepresenting information supplied regarding exemption from licensing.	300	600	1000
(c) Failure to properly label nursery stock offered at retail, or falsely representing or misrepresenting the name, age, variety, class, or origin of nursery stock.	300	600	1000
(d) Bringing, selling, or distributing plant materials into or within the state that are infected or infested with a plant pest considered a risk to horticultural or agricultural interests in Montana.	500	750	1000
(e) Distributing plants declared noxious weeds under 7-22-2101(7)(a)(i) MCA.	500	750	1000
(f) Failure to notify the department of an infestation or infection of plant and plant or propagative materials.	500	750	1000
(g) Failure to comply with the instructions of the department for destruction, treatment, or control within the timeframe specified.	500	750	1000
(h) Falsifying or misrepresenting registration, certification, status, source, or identity of nursery stock, plants, plant materials, propagative stock or agricultural commodities or products.	500	750	1000
(i) Violate or aid in violation of a statute, rule, order, or quarantine not otherwise stated above.	500	750	1000
(2) Anyone who violates these rules is acting negligently, if not intentionally, and may be liable for all harm they cause and may be liable for all costs associated with, but not limited to, trapping, monitoring, surveying, analysis, testing, containment, eradication, treatment, control, management, disposition, destruction, restoration, and other measures deemed necessary by the department.			
(3) At the department's discretion, each day of violation can be considered a separate offense.			
(4) Penalties may be assessed on a daily, per plant, and/or per event basis and will be determined on a case-by-case basis.			

Authorizing statute(s): 80-7-106, 80-7-135, MCA

Implementing statute(s): 80-7-135, MCA

History: NEW, 1994 MAR p. 24, Eff. 1/14/94; AMD, 1996 MAR p. 900, Eff. 4/5/96; AMD, 2014 MAR p. 206, Eff. 1/31/14; AMD, 2024 MAR p. 128, Eff. 1/27/24.