



ADMINISTRATIVE RULES OF MONTANA



44.12.217 CIVIL PENALTIES FOR DELAY IN FILING--OPTION FOR HEARING

- (1) A person who fails to file a report within the time required by Title 5, chapter 7, MCA, is subject to the civil penalties set forth in [5-7-306](#), MCA.
- (2) A person against whom a civil penalty is imposed may request a hearing to contest the penalty by filing a written request for a hearing with the commissioner within ten days after receiving notice of imposition of the penalty.
- (3) Upon receipt of a timely request for a hearing the commissioner will schedule an informal contested case hearing and will issue a notice of hearing specifying the date, time, and place of the hearing.
- (4) A person who has requested a hearing will be given the option of waiving an in-person hearing by filing a written waiver form that will be provided by the commissioner. A person who waives an in-person hearing will be given an opportunity to submit a written statement or argument to the commissioner, in lieu of appearing in person to present evidence or arguments.
- (5) An in-person hearing will be conducted pursuant to the procedure specified in [2-4-604](#), MCA.
- (6) The commissioner will consider any facts or circumstances in mitigation of the penalty through the evidence, statements, or arguments presented at the hearing or submitted by a person who has waived a hearing, and will issue a written decision, which will be a final decision in a contested case.
- (7) A person who is aggrieved by the commissioner's decision may seek judicial review pursuant to Title 2, chapter 4, part 7, MCA.

Authorizing statute(s): 5-7-111, MCA

Implementing statute(s): 5-7-306, MCA

History: NEW, 2004 MAR p. 1979, Eff. 8/20/04.