

HOUSE BILL NO. 276

INTRODUCED BY R. GREGG

A BILL FOR AN ACT ENTITLED: "AN ACT STANDARDIZING SERVICE OF PROCESS FOR PROFESSIONAL LICENSES; PROVIDING FOR ELECTRONIC SERVICE BY CONSENT OF A LICENSEE; PROVIDING FOR A UNIFORM REQUIREMENT FOR CHANGE OF CONTACT INFORMATION; REMOVING DUPLICATIVE AND CONFLICTING PROVISIONS; AMENDING SECTIONS 37-1-309, 37-1-403, 37-4-307, 37-4-406, 37-16-301, AND 37-18-806, AND MCA; AND REPEALING SECTION 37-3-310, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**NEW SECTION. Section 1. Licensee and license applicant contact information -- notice of change of contact information.** (1) A licensee or license applicant shall provide the department the licensee's or license applicant's current address and any change of address within 30 days after the change or upon request by the department.

(2) If consenting to electronic service under 37-1-309 or 37-1-403, a licensee or license applicant shall provide the department a current e-mail address and any change of e-mail address within 30 days after the change or upon request by the department.

**Section 2.** Section 37-1-309, MCA, is amended to read:

**"37-1-309. Notice -- request for hearing -- method of communication and service -- fee.** (1) If a reasonable cause determination is made pursuant to 37-1-307 that a violation of this part has occurred and the provisions of 37-1-321 do not apply, a notice must be prepared by department legal staff and served on the alleged violator. ~~The notice may be served by certified mail to the current address on file with the board or by other means authorized by the Montana Rules of Civil Procedure.~~ The notice may not allege a violation of a particular statute, rule, or standard unless the board or the board's screening panel, if one has been established, has made a written determination that there are reasonable grounds to believe that the particular statute, rule, or standard has been violated.

1           (2) — A licensee or license applicant shall give the board the licensee's or applicant's current address  
2 and any change of address within 30 days of the change.

3           (3)(2) The notice must state that the licensee or license applicant may request a hearing to contest  
4 the charge or charges. A request for a hearing must be in writing and received in the offices of the department  
5 within 20-21 days after the licensee's receipt of the notice. Failure to request a hearing constitutes a default on  
6 the charge or charges, and the board may enter a decision on the basis of the facts available to it.

7           (3) The board shall serve a notice or order:

8           (a) by electronic means, if consented to by the licensee or license applicant;

9           (b) by certified mail to the most recent address furnished to the agency by the licensee or license  
10 applicant; or

11           (c) by personal service pursuant to the Montana Rules of Civil Procedure, in which case the board  
12 may recover all associated fees and costs."

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14           **Section 3.** Section 37-1-403, MCA, is amended to read:

15           **"37-1-403. Notice -- request for hearing -- method of communication and service -- fee.** (1) If the  
16 department determines that reasonable cause exists supporting the allegation made in a complaint and the  
17 provisions of 37-1-321 do not apply, the department legal staff shall prepare a notice and serve the alleged  
18 violator. ~~The notice may be served by certified mail to the current address on file with the department or by~~  
19 ~~other means authorized by the Montana Rules of Civil Procedure.~~

20           (2) — A licensee or license applicant shall give the department the licensee's or applicant's current  
21 address and any change of address within 30 days of the change.

22           (3)(2) The notice must state that the licensee or license applicant may request a hearing to contest  
23 the charge or charges. A request for a hearing must be in writing and must be received in the offices of the  
24 department within 20-21 days after the licensee's receipt of the notice. Failure to request a hearing constitutes a  
25 default on the charge or charges, and the department may enter a decision on the basis of the facts available to  
26 it.

27           (3) The department shall serve a notice or order:

28           (a) by electronic means, if consented to by the licensee or license applicant;

1           (b) by certified mail to the most recent address furnished to the agency by the licensee or license  
 2 applicant; or  
 3           (c) by personal service pursuant to the Montana Rules of Civil Procedure, in which case the  
 4 department may recover all associated fees and costs."

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6           **Section 4.** Section 37-4-307, MCA, is amended to read:

7           "**37-4-307. Notice of name and address change -- local Local fees prohibited.** (1) ~~Each dentist~~  
 8 ~~shall give the board notice of any change in name, address, or status within 10 days of the change.~~

9           (2) ~~—A unit of local government, including those exercising self-government powers, may not impose~~  
 10 ~~a license fee on a dentist licensed under this chapter."~~

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12           **Section 5.** Section 37-4-406, MCA, is amended to read:

13           "**37-4-406. Notice of name and address change -- local Local fees prohibited.** (1) ~~Each dental~~  
 14 ~~hygienist shall give the board notice of any change in name, address, or status within 10 days of the change.~~

15           (2) ~~—A unit of local government, including those exercising self-government powers, may not impose~~  
 16 ~~a license fee on a dental hygienist licensed under this chapter."~~

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18           **Section 6.** Section 37-16-301, MCA, is amended to read:

19           "**37-16-301. Permanent place of business in state necessary -- records -- notice -- designation**  
 20 **of licensee in charge.** (1) A licensed hearing aid dispenser must have a permanent place of business in this  
 21 state.

22           (2) Each permanent place of business shall designate one licensed hearing aid dispenser who is  
 23 not a trainee as the person in charge.

24           (3) The licensed hearing aid dispenser in charge of a permanent place of business shall:

25           (a) maintain custody and control of the business records of that permanent place of business; and

26           (b) produce the business records as requested by the department; and

27           (c) ~~—notify the department in writing of any change of address in the permanent place of business~~  
 28 ~~within 30 days."~~

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**Section 7.** Section 37-18-806, MCA, is amended to read:

**"37-18-806. Veterinary dispensing technicians -- registration requirements -- rulemaking.** (1) A veterinary dispensing technician shall register with the board of veterinary medicine on an annual basis.

(2) The current veterinary dispensing technician license must be conspicuously displayed and in the veterinary retail facility where the veterinary dispensing technician is employed.

(3) A veterinary dispensing technician shall wear a name badge while in the veterinary retail facility that clearly identifies the person as a veterinary dispensing technician.

(4) A veterinary dispensing technician shall inform the board of a change in ~~address or place of~~ employment within 15 days after the change. ~~The board shall subsequently adjust the board's records.~~

(5) The board may adopt rules to implement this section."

NEW SECTION. Section 8. Repealer. The following section of the Montana Code Annotated is repealed:

37-3-310. Notice of change of address or name -- applicants -- licensees.

NEW SECTION. Section 9. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 37, chapter 1, part 1, and the provisions of Title 37, chapter 1, part 1, apply to [section 1].

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