

HOUSE BILL NO. 120

INTRODUCED BY J. MCKENNEY

BY REQUEST OF THE DEPARTMENT OF COMMERCE

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5 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING PROFESSIONAL LICENSING LAWS;
6 ELIMINATING THE TWO CONSECUTIVE TERM LIMIT FOR ALTERNATIVE HEALTH CARE BOARD
7 MEMBERS; ALLOCATING THE BOARD OF PSYCHOLOGISTS TO THE DEPARTMENT OF COMMERCE FOR
8 ADMINISTRATIVE PURPOSES; REQUIRING SCREENING PANELS TO PUT CERTAIN FINDINGS IN WRITING;
9 REQUIRING COMPLAINTS OF UNPROFESSIONAL CONDUCT TO BE MADE IN GOOD FAITH AND WITH A
10 REASONABLE BASIS FOR ANY ALLEGATIONS IN THE COMPLAINTS; PROHIBITING CLARIFYING WHEN
11 BOARD MEMBERS FROM FILING MAY FILE COMPLAINTS WITH THEIR BOARD; REQUIRING THAT NOTICES
12 FOR HEARINGS BE BASED ON WRITTEN FINDINGS OF POSSIBLE VIOLATIONS; INCREASING THE NUMBER
13 OF MEMBERS ON THE BOARD OF REAL ESTATE APPRAISERS AND CLARIFYING REQUIREMENTS FOR
14 SCREENING PANELS; ELIMINATING CERTAIN REQUIREMENTS FOR CERTAIN MEMBERS OF THE BOARD
15 OF REAL ESTATE APPRAISERS; CLARIFYING REQUIREMENTS FOR MEMBERS OF THE BOARD OF
16 PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS; REPEALING THE LICENSE FEE
17 EXEMPTION FOR PERSONS IN MILITARY SERVICE; PROVIDING A GENERAL DEFINITION OF "QUORUM"
18 FOR BOARDS AND ELIMINATING INDIVIDUAL BOARD DEFINITIONS OF "QUORUM"; PROVIDING THAT
19 MENTAL INTENT IS NOT A PREREQUISITE TO UNPROFESSIONAL CONDUCT; ELIMINATING AN
20 EXEMPTION FROM LICENSING REQUIREMENTS FOR COMMISSIONED MEDICAL OFFICERS OF THE
21 ARMED FORCES; CLARIFYING SUPERVISION REQUIREMENTS FOR DENTAL AUXILIARY PERSONNEL;
22 ELIMINATING THE REQUIREMENT THAT THE BOARD OF NURSING ACT JOINTLY WITH THE BOARD OF
23 MEDICAL EXAMINERS IN ADOPTING RULES; ELIMINATING CERTAIN QUALIFICATIONS FOR THE
24 EXECUTIVE DIRECTOR OF THE BOARD OF NURSING; CLARIFYING ISSUING AND RENEWAL PERIODS
25 FOR NURSES' LICENSES; CHANGING THE MEDICAL EVALUATION REQUIREMENTS REGARDING THE
26 DISPENSING OF HEARING AIDS; REVISING THE CALCULATION OF LATE FEES FOR PSYCHOLOGISTS'
27 LICENSE RENEWALS; ELIMINATING SINGEING FROM THE DEFINITION OF "PRACTICE OF BARBERING";
28 ELIMINATING CERTAIN QUALIFICATIONS FOR THE EXECUTIVE DIRECTOR OF THE BOARD OF
29 OUTFITTERS; ELIMINATING CERTAIN QUALIFICATIONS FOR THE EXECUTIVE SECRETARY OF THE
30 BOARD OF REALTY REGULATION; ELIMINATING BROKER ASSOCIATE AND BROKER OWNER

1 DESIGNATIONS FOR REAL ESTATE; PROVIDING FOR TEMPORARY LICENSURE OF OUT-OF-STATE
 2 APPRAISERS; GENERALLY REVISING STATUTES PERTAINING TO ARCHITECTURE AND PROVIDING FOR
 3 LICENSE VERIFICATION; CHANGING REQUIREMENTS FOR LANDSCAPE ARCHITECTS; GENERALLY
 4 REVISING STATUTES PERTAINING TO PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND
 5 SURVEYORS AND SUBSTITUTING LICENSURE FOR REGISTRATION; AMENDING SECTIONS 2-15-1840,
 6 2-15-1851, 2-15-1868, 2-15-1873, 23-3-401, 37-1-131, 37-1-307, 37-1-308, 37-1-309, 37-3-103,
 7 37-3-204, 37-3-211, 37-4-202, 37-4-408, 37-8-202, 37-8-204, 37-8-431, 37-12-201, 37-14-201,
 8 37-15-201, 37-16-201, 37-16-303, 37-17-201, 37-17-306, 37-18-201, 37-19-202, 37-24-201,
 9 37-26-202, 37-28-103, 37-30-101, 37-47-202, 37-50-201, 37-51-102, 37-51-209, 37-51-302,
 10 37-51-309, 37-51-315, 37-60-201, 37-65-201, 37-65-303, 37-65-304, 37-65-308, 37-66-301,
 11 37-66-304, 37-67-101, 37-67-102, 37-67-103, 37-67-201, 37-67-204, 37-67-301, 37-67-303,
 12 37-67-304, 37-67-305, 37-67-306, 37-67-308, 37-67-309, 37-67-310, 37-67-311, 37-67-312,
 13 37-67-314, 37-67-315, 37-67-316, 37-67-318, 37-67-320, 37-67-321, 37-67-331, 37-67-332,
 14 37-68-201, 37-69-201, AND 70-22-103, MCA; REPEALING SECTIONS 10-1-605, 37-2-111, AND
 15 37-66-305, MCA; AND PROVIDING EFFECTIVE DATES AND A TERMINATION DATE."

16

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

18

19 **Section 1.** Section 2-15-1840, MCA, is amended to read:

20 **"2-15-1840. Alternative health care board -- composition -- terms -- allocation.** (1) There is an
 21 alternative health care board.

22 (2) The board consists of six members appointed by the governor with the consent of the senate.

23 The members are:

24 (a) two persons from each of the health care professions regulated by the board who have been
 25 actively engaged in the practice of their respective professions for at least 3 years preceding appointment
 26 to the board;

27 (b) one public member who is not a member of a profession regulated by the board; and

28 (c) one member who is a Montana physician whose practice includes obstetrics.

29 (3) The members must have been residents of this state for at least 3 years before appointment
 30 to the board.

1 (4) All members shall serve staggered 4-year terms. ~~A member may not be appointed for more~~
2 ~~than two consecutive terms.~~ The governor may remove a member from the board for neglect of a duty
3 required by law, for incompetency, or for unprofessional or dishonorable conduct.

4 (5) The board is allocated to the department for administrative purposes only, as prescribed in
5 2-15-121.

6 (6) The board is designated a quasi-judicial board for the purposes of 2-15-124, except that one
7 member of the board need not be an attorney licensed to practice law in this state."
8

9 **Section 2.** Section 2-15-1851, MCA, is amended to read:

10 **"2-15-1851. Board of psychologists.** (1) There is a board of psychologists.

11 (2) The board consists of six members appointed by the governor with the consent of the senate.
12 Two members must be licensed psychologists in private practice, one member must be a licensed
13 psychologist in public health, one member must be a licensed psychologist engaged in the teaching of
14 psychology, and two members must be from the general public. A member may not serve consecutive
15 5-year terms but may be reappointed after 5 years following the termination of the previous appointment.

16 (3) Members shall serve staggered 5-year terms.

17 (4) The board is allocated to the department for administrative purposes only, as prescribed in
18 2-15-121."

19

20 **Section 3.** Section 2-15-1868, MCA, is amended to read:

21 **"2-15-1868. Board of real estate appraisers.** (1) There is a board of real estate appraisers.

22 (2) The board consists of ~~five~~ SEVEN members appointed by the governor with the consent of the
23 senate.

24 (3) ~~Three~~ FIVE members must be licensed or certified real estate appraisers, and two members
25 must be representatives of the public who are not engaged in the occupation of real estate appraisal.

26 (4) A SCREENING PANEL OF THE BOARD, ESTABLISHED PURSUANT TO 37-1-307, MUST BE COMPOSED OF AT
27 LEAST THREE MEMBERS AND SHALL INCLUDE ONE MEMBER OF THE BOARD WHO REPRESENTS THE PUBLIC AND IS NOT
28 ENGAGED IN THE OCCUPATION OF REAL ESTATE APPRAISAL. ANY DETERMINATION THAT A LICENSEE HAS VIOLATED A
29 STATUTE OR RULE IN A MANNER THAT JUSTIFIES DISCIPLINARY PROCEEDINGS MUST BE CONCURRED IN BY A MAJORITY OF
30 THE MEMBERS OF THE SCREENING PANEL.

1 ~~(4) Only one member of the board may be primarily affiliated with the same recognized appraisal~~
 2 ~~group defined by the appraisal foundation.~~

3 ~~———— (5) (a) Before January 1, 1992, a real estate appraiser board member must be a designated~~
 4 ~~member of a national real estate appraisal organization that requires for membership appraisal experience,~~
 5 ~~certain educational qualifications, successful completion of an examination, and adherence to the standards~~
 6 ~~of professional appraisal practice.~~

7 ~~———— (b) On and after January 1, 1992, three real estate appraiser board members must be certified~~
 8 ~~real estate appraisers.~~

9 ~~(6)(4)(5)~~ Members shall serve staggered 3-year terms. A member may not serve for more than
 10 two consecutive terms.

11 ~~(7)(5)(6)~~ The board is allocated to the department for administrative purposes only, as prescribed
 12 in 2-15-121.

13 ~~(8)(6)(7)~~ A board member may be removed from the board by the governor for neglect or cause.

14 ~~(9)(7)(8)~~ The board shall meet at least once each calendar quarter to transact its business. ~~Three~~
 15 ~~members constitute a quorum for transacting business.~~

16 ~~(10)(8)(9)~~ The board shall elect a ~~chairman~~ presiding officer from among its members.

17 ~~(11)(9)(10)~~ A board member ~~shall~~ must receive compensation and travel expenses, as provided in
 18 37-1-133."

19

20 **Section 4.** Section 2-15-1873, MCA, is amended to read:

21 **"2-15-1873. Board of professional engineers and professional land surveyors.** (1) There is a board
 22 of professional engineers and professional land surveyors.

23 (2) The board consists of nine members appointed by the governor with the consent of the senate.
 24 The members are:

25 (a) five professional engineers who have been engaged in the practice of engineering for at least
 26 12 years and who have been in responsible charge of engineering teaching or important engineering work
 27 for at least 5 years and ~~registered~~ licensed in Montana for at least 5 years. No more than two of these
 28 members may be from the same branch of engineering.

29 (b) two professional and practicing land surveyors who have been engaged in the practice of land
 30 surveying for at least 12 years and who have been in responsible charge of land surveying or important

1 land surveying work for at least 5 years and ~~registered~~ licensed in Montana for at least 5 years;

2 (c) two representatives of the public who are not engaged in or directly connected with the
3 practice of engineering or land surveying.

4 (3) Each member ~~shall~~ must be a citizen of the United States and a resident of this state. A
5 member, after serving three consecutive terms, ~~shall~~ may not be reappointed.

6 (4) (a) Except as provided in subsection (4)(b), each member shall serve for a term of 4 years.

7 (b) The governor may remove a member for misconduct, incompetency, or neglect of duty; or for
8 any other sufficient cause and may shorten the term of one public member so that it is not coincident with
9 the term of the other public member.

10 (5) The board is allocated to the department for administrative purposes only, as prescribed in
11 2-15-121."

12

13 **Section 5.** Section 23-3-401, MCA, is amended to read:

14 **"23-3-401. Board organization -- compensation -- ~~meetings~~ -- department to keep records.** (1) The
15 board shall annually elect officers as it considers necessary. ~~Two of the members of the board constitute~~
16 ~~a quorum to do business, and except as provided in 23-3-402, the concurrence of at least two members~~
17 ~~is necessary to take board action.~~

18 (2) The members of the board are entitled to compensation and expenses, as provided in
19 37-1-133.

20 (3) The department shall keep a record of the board's proceedings, which are public records
21 subject to public inspection."

22

23 **Section 6.** Section 37-1-131, MCA, is amended to read:

24 **"37-1-131. Duties of boards -- quorum required.** Each board within the department shall:

25 (1) set and enforce standards and rules governing the licensing, certification, registration, and
26 conduct of the members of the particular profession or occupation within its jurisdiction;

27 (2) sit in judgment in hearings for the suspension, revocation, or denial of a license of an actual
28 or potential member of the particular profession or occupation within its jurisdiction. The hearings must
29 be conducted by a hearing examiner when required under 37-1-121(1).

30 (3) suspend, revoke, or deny a license of a person who the board determines, after a hearing as

1 provided in subsection (2), is guilty of knowingly defrauding, abusing, or aiding in the defrauding or
 2 abusing of the workers' compensation system in violation of the provisions of Title 39, chapter 71 or 72;

3 (4) pay to the department its pro rata share of the assessed costs of the department under
 4 37-1-101(6);

5 (5) consult with the department before the board initiates a program expansion, under existing
 6 legislation, to determine if the board has adequate money and appropriation authority to fully pay all costs
 7 associated with the proposed program expansion. The board may not expand a program if the board does
 8 not have adequate money and appropriation authority available.

9 (6) A board, board panel, or subcommittee convened to conduct board business must have a
 10 majority of its members, which constitutes a quorum, present to conduct business."

11

12 NEW SECTION. Section 7. Mental intent -- unprofessional conduct. A licensee may be found to
 13 have violated a provision of 37-1-316 or a rule of professional conduct enacted by a governing board
 14 without proof that the licensee acted purposefully, knowingly, or negligently.

15

16 SECTION 8. SECTION 37-1-307, MCA, IS AMENDED TO READ:

17 **"37-1-307. Board authority.** (1) A board may:

18 (a) hold hearings as provided in this part;

19 (b) issue subpoenas and administer oaths in connection with investigations and disciplinary
 20 proceedings under this part. Subpoenas must be relevant to the complaint, issued by a majority vote of
 21 board members not serving on the screening panel described in subsection (1)(e), and signed by the
 22 presiding officer of the board. Subpoenas may be enforced as provided in 2-4-104.

23 (c) authorize depositions and other discovery procedures under the Montana Rules of Civil
 24 Procedure in connection with an investigation, hearing, or proceeding held under this part;

25 (d) compel attendance of witnesses and the production of documents. Subpoenas may be
 26 enforced as provided in 2-4-104.

27 (e) establish a screening panel that determines whether there is reasonable cause to believe that
 28 a licensee has violated a particular statute, or rule, or standard justifying disciplinary proceedings. A
 29 screening panel shall specify in writing the particular statute, rule, or standard that the panel believes may
 30 have been violated. The screening panel shall also state in writing the reasonable grounds that support

1 the panel's finding that a violation may have occurred. The assigned board members may not subsequently
 2 participate in a hearing of the case. The final decision on the case must be made by a majority of the board
 3 members who did not serve on the screening panel for the case.

4 (f) grant or deny a license and, upon a finding of unprofessional conduct by an applicant or license
 5 holder, impose a sanction provided by this chapter.

6 (2) Each board is designated as a criminal justice agency within the meaning of 44-5-103 for the
 7 purpose of obtaining confidential criminal justice information regarding its licensees and license applicants
 8 and regarding possible unlicensed practice.

9 [(3) Each board shall require a license applicant to provide the applicant's social security number
 10 as a part of the application. Each board shall keep the social security number from this source confidential,
 11 except that a board may provide the number to the department of public health and human services for
 12 use in administering Title IV-D of the Social Security Act.] (Bracketed language terminates on occurrence
 13 of contingency--sec. 1, Ch. 27, L. 1999.)"

14

15 **SECTION 9. SECTION 37-1-308, MCA, IS AMENDED TO READ:**

16 **"37-1-308. Unprofessional conduct -- complaint -- investigation -- immunity -- exceptions. (1)**
 17 Except as provided in ~~subsection (3)~~ subsections (4) and (5), a person, government, or private entity may
 18 submit a written complaint to the department charging a licensee or license applicant with a violation of
 19 this part and specifying the grounds for the complaint.

20 (2) If the department receives a written complaint or otherwise obtains information that a licensee
 21 or license applicant may have committed a violation of this part, the department may, with the
 22 concurrence of a member of the screening panel established in 37-1-307, investigate to determine whether
 23 there is reasonable cause to believe that the licensee or license applicant has committed the violation.

24 (3) A person or private entity, but not a government entity, filing a complaint under this section
 25 in good faith ~~and with a reasonable basis for each allegation contained in the complaint~~ is immune from
 26 suit in a civil action related to the filing or contents of the complaint.

27 ~~(3)~~(4) A person under legal custody of a county detention center or incarcerated under legal
 28 custody of the department of corrections may not file a complaint under subsection (1) against a licensed
 29 or certified provider of health care or rehabilitative services for services that were provided to the person
 30 while detained or confined in a county detention center or incarcerated under legal custody of the

1 department of corrections unless the complaint is first reviewed by a correctional health care review team
2 provided for in 37-1-331.

3 ~~(5) A board member, unless specifically authorized by law, may not file a complaint with the board~~
4 ~~on which the member serves or otherwise act in concert with a complainant in developing, authoring, or~~
5 ~~initiating a complaint to be filed with the board IF THE BOARD MEMBER DETERMINES THAT THERE ARE REASONABLE~~
6 ~~GROUND TO BELIEVE THAT A PARTICULAR STATUTE, RULE, OR STANDARD HAS BEEN VIOLATED."~~

7

8 **SECTION 10.** SECTION 37-1-309, MCA, IS AMENDED TO READ:

9 **"37-1-309. Notice -- request for hearing.** (1) If a reasonable cause determination is made pursuant
10 to 37-1-307 that a violation of this part has occurred, a notice must be prepared by department legal staff
11 and served on the alleged violator. The notice may be served by certified mail to the current address on
12 file with the board or by other means authorized by the Montana Rules of Civil Procedure. The notice may
13 not allege a violation of a particular statute, rule, or standard unless the board or the board's screening
14 panel, if one has been established, has made a written determination that there are reasonable grounds
15 to believe that the particular statute, rule, or standard has been violated.

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

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

23

24 **Section 11.** Section 37-3-103, MCA, is amended to read:

25 **"37-3-103. Exemptions from licensing requirements.** (1) This chapter does not prohibit or require
26 a license with respect to any of the following acts:

27 (a) the gratuitous rendering of services in cases of emergency or catastrophe;

28 (b) the rendering of services in this state by a physician lawfully practicing medicine in another
29 state or territory. However, if the physician does not limit the services to an occasional case or if the
30 physician has any established or regularly used hospital connections in this state or maintains or is

1 provided with, for the physician's regular use, an office or other place for rendering the services, the
2 physician must possess a license to practice medicine in this state.

3 (c) the practice of dentistry under the conditions and limitations defined by the laws of this state;

4 (d) the practice of podiatry under the conditions and limitations defined by the laws of this state;

5 (e) the practice of optometry under the conditions and limitations defined by the laws of this state;

6 (f) the practice of osteopathy under the conditions and limitations defined in chapter 5 of this title
7 for those doctors of osteopathy who do not receive a physician's certificate under this chapter;

8 (g) the practice of chiropractic under the conditions and limitations defined by the laws of this
9 state;

10 (h) the practice of Christian Science, with or without compensation, and ritual circumcisions by
11 rabbis;

12 (i) the performance by commissioned medical officers ~~of the armed forces of the United States,~~
13 of the United States public health service, or of the United States department of veterans affairs of their
14 lawful duties in this state as officers;

15 (j) the rendering of nursing services by registered or other nurses in the lawful discharge of their
16 duties as nurses or of midwife services by registered nurse-midwives under the supervision of a licensed
17 physician;

18 (k) the rendering of services by interns or resident physicians in a hospital or clinic in which they
19 are training, subject to the conditions and limitations of this chapter. The board may require a resident
20 physician to be licensed if the physician otherwise engages in the practice of medicine in the state of
21 Montana.

22 (l) the rendering of services by a physical therapist, technician, or other paramedical specialist
23 under the appropriate amount and type of supervision of a person licensed under the laws of this state to
24 practice medicine, but this exemption does not extend the scope of a paramedical specialist;

25 (m) the rendering of services by a physician assistant-certified in accordance with Title 37, chapter
26 20;

27 (n) the practice by persons licensed under the laws of this state to practice a limited field of the
28 healing arts, and not specifically designated, under the conditions and limitations defined by law;

29 (o) the execution of a death sentence pursuant to 46-19-103;

30 (p) the practice of direct-entry midwifery. For the purpose of this section, the practice of

1 direct-entry midwifery means the advising, attending, or assisting of a woman during pregnancy, labor,
 2 natural childbirth, or the postpartum period. Except as authorized in 37-27-302, a direct-entry midwife may
 3 not dispense or administer a prescription drug, as those terms are defined in 37-7-101.

4 (q) the use of an automated external defibrillator pursuant to Title 50, chapter 6, part 5.

5 (2) Licensees referred to in subsection (1) who are licensed to practice a limited field of healing
 6 arts shall confine themselves to the field for which they are licensed or registered and to the scope of their
 7 respective licenses and, with the exception of those licensees who hold a medical degree, may not use
 8 the title "M.D." or any word or abbreviation to indicate or to induce others to believe that they are engaged
 9 in the diagnosis or treatment of persons afflicted with disease, injury, or defect of body or mind except
 10 to the extent and under the conditions expressly provided by the law under which they are licensed."

11

12 **Section 12.** Section 37-3-204, MCA, is amended to read:

13 **"37-3-204. Meetings.** The board shall hold meetings for examinations and for other business
 14 properly before the board at least twice annually at times and places set by the board. The president of
 15 the board may call special meetings ~~he~~ that the president considers advisable or necessary. ~~Four members~~
 16 ~~of the board constitute a quorum."~~

17

18 **Section 13.** Section 37-3-211, MCA, is amended to read:

19 **"37-3-211. Executive secretary.** To perform the services provided for in 37-3-203(5), the
 20 department shall hire ~~a person~~ an executive secretary selected by the board, ~~who:~~

21 ~~—— (1) is a citizen of the United States;~~

22 ~~—— (2) is of good moral character; and~~

23 ~~—— (3) holds at least a postgraduate degree from an accredited college or university or has equivalent~~
 24 ~~experience. The degree or experience need not be in the field of medicine."~~

25

26 **Section 14.** Section 37-4-202, MCA, is amended to read:

27 **"37-4-202. Meetings -- notice -- ~~quorum~~ -- records.** (1) The board shall meet at least once each
 28 year in this state at the call of the president and secretary-treasurer. Five days' notice must be given by
 29 the department to board members of the time and place of the meeting of the board.

30 (2) Meetings held for the purpose of examining candidates for a license to practice dentistry in this

1 state may not exceed 6 days.

2 (3) ~~Six members of the board constitute a quorum for the transaction of business. Its Board~~
3 ~~proceedings are open to public inspection in cases of public interest~~ unless a privacy issue is involved.

4 (4) Money collected by the department under this chapter must be deposited in the state special
5 revenue fund for the use of the board, subject to 37-1-101(6).

6 (5) The department shall keep a complete record of meetings and proceedings of the board and
7 shall keep a complete account of money received and disbursements made by the department."
8

9 **Section 15.** Section 37-4-408, MCA, is amended to read:

10 **"37-4-408. Auxiliary personnel -- employment, duties, and limitations.** A dental auxiliary is a
11 person other than a licensed dental hygienist employed by a licensed dentist. The board may, within the
12 limitations of this chapter, adopt rules that define the qualifications and outline the tasks of any unlicensed
13 auxiliary personnel to be employed by a licensed dentist in ~~his~~ the dentist's office, except that nothing in
14 this section may be construed to allow the board by rule to provide for delegation by a licensed dentist
15 to any ~~such~~ auxiliary personnel any of the duties prohibited to dental hygienists under 37-4-401 or a
16 prophylaxis. The performance of intraoral tasks by all dental auxiliaries, as permitted by board rules, must
17 be under the direct supervision of ~~the a~~ licensed dentist ~~employing the personnel.~~"
18

19 **Section 16.** Section 37-8-202, MCA, is amended to read:

20 **"37-8-202. Organization -- meetings -- powers and duties.** (1) The board shall meet annually and
21 shall elect from among the nine members a president and a secretary. The board shall hold other meetings
22 when necessary to transact its business. ~~A majority of the board constitutes a quorum at any meeting.~~
23 The department shall keep complete minutes and records of the meetings and rules and orders promulgated
24 by the board.

25 (2) The board may make rules necessary to administer this chapter. The board shall prescribe
26 standards for schools preparing persons for registration and licensure under this chapter. It shall provide
27 for surveys of schools at times it considers necessary. It shall approve programs that meet the
28 requirements of this chapter and of the board. The department shall, subject to 37-1-101, examine and
29 issue to and renew licenses of qualified applicants. The board shall conduct hearings on charges that may
30 call for discipline of a licensee, revocation of a license, or removal of schools of nursing from the approved

1 list. It shall cause the prosecution of persons violating this chapter and may incur necessary expenses for
2 prosecutions.

3 (3) The board may adopt and the department shall publish forms for use by applicants and others,
4 including license, certificate, and identity forms and other appropriate forms and publications convenient
5 for the proper administration of this chapter. The board may fix reasonable fees for incidental services,
6 within the subject matter delegated by this chapter.

7 (4) The board may participate in and pay fees to a national organization of state boards of nursing
8 to ensure interstate endorsement of licenses.

9 (5) (a) The board may define the educational requirements and other qualifications applicable to
10 recognition of advanced practice registered nurses. Advanced practice registered nurses are nurses who
11 must have additional professional education beyond the basic nursing degree required of a registered nurse.
12 Additional education must be obtained in courses offered in a university setting or its equivalent. The
13 applicant must be certified or in the process of being certified by a certifying body for advanced practice
14 registered nurses. Advanced practice registered nurses include nurse practitioners, nurse-midwives,
15 nurse-anesthetists, and clinical nurse specialists.

16 (b) ~~The board of nursing and the board of medical examiners, acting jointly,~~ shall adopt rules
17 regarding authorization for prescriptive authority of nurse specialists. If considered appropriate for a nurse
18 specialist who applies to the board for authorization, prescriptive authority must be granted.

19 (6) The board shall establish a program to assist licensed nurses who are found to be physically
20 or mentally impaired by habitual intemperance or the excessive use of narcotic drugs, alcohol, or any other
21 drug or substance. The program must provide assistance to licensees in seeking treatment for substance
22 abuse and monitor their efforts toward rehabilitation. For purposes of funding this program, the board shall
23 adjust the license fee provided for in 37-8-431 commensurate with the cost of the program.

24 (7) The board may adopt rules for delegation of nursing tasks by licensed nurses to unlicensed
25 persons.

26 (8) The board may fund additional staff, hired by the department, to administer the provisions of
27 this chapter."

28

29 **Section 17.** Section 37-8-204, MCA, is amended to read:

30 **"37-8-204. Executive director -- qualifications.** (1) The department shall hire an executive director

1 to provide services to the board in connection with the board's duties of:

2 ~~(a)(1)~~ prescribing curricula and standards for nursing schools and making surveys of and approving
3 schools and courses;

4 ~~(b)(2)~~ evaluating and approving courses for affiliation of student nurses; and

5 ~~(c)(3)~~ reviewing qualifications of applicants for licensure.

6 ~~(2) The executive director must be:~~

7 ~~—— (a) a citizen of the United States;~~

8 ~~—— (b) a graduate of an approved school of nursing;~~

9 ~~—— (c) a holder of at least a master's degree with postgraduate courses in nursing;~~

10 ~~—— (d) a registered professional nurse with at least 5 years' experience in teaching or administration
11 in an approved school of nursing."~~

12

13 **Section 18.** Section 37-8-431, MCA, is amended to read:

14 **"37-8-431. Renewal of license.** (1) The license of a person licensed under this chapter must be
15 renewed on the date set by department rule. At least 30 days prior to the renewal date, the department
16 shall mail an application form for renewal of a license to each person to whom a license was issued or
17 renewed ~~during the year~~. The applicant shall carefully complete and ~~subscribe~~ sign the application form
18 and return it to the department with a renewal fee prescribed by the board on or before the renewal date.

19 (2) The board may increase or decrease the license fee so as to maintain in the state special
20 revenue fund at all times an adequate amount to be used for the purpose of administering, policing, and
21 enforcing the provisions of Title 37, chapter 1, and this chapter. On receipt of the application and fee, the
22 department shall verify the accuracy of the application against its record and from other sources the board
23 considers reliable and issue to the applicant a certificate of renewal. The certificate of renewal renders the
24 holder a legal practitioner of nursing for the period stated in the certificate of renewal.

25 (3) A licensee who allows the license to lapse by failing to renew the license may be reinstated
26 by the board on satisfactory explanation for the failure to renew the license and on payment of the current
27 renewal fee prescribed by the board.

28 (4) A person practicing nursing during the time following the date the license has expired is an
29 illegal practitioner and is subject to the penalties provided for violations of this chapter.

30 (5) The board may establish a reasonable late fee for licensees who fail to renew their license by

1 the renewal date."

2

3 **Section 19.** Section 37-12-201, MCA, is amended to read:

4 **"37-12-201. Organization of board -- meetings -- powers and duties.** (1) The board shall elect
5 annually a president, vice president, and secretary-treasurer from its membership.

6 (2) The board shall hold a regular meeting each year at Helena and shall hold special meetings at
7 times and places as a majority of the board designates. ~~A majority of the board constitutes a quorum.~~

8 (3) The board shall:

9 (a) administer oaths, take affidavits, summon witnesses, and take testimony as to matters coming
10 within the scope of the board;

11 (b) adopt a seal that must be affixed to licenses issued;

12 (c) make a schedule of minimum educational requirements, which are without prejudice, partiality,
13 or discrimination, as to the different schools of chiropractic;

14 (d) adopt rules necessary for the implementation, administration, continuation, and enforcement
15 of this chapter. The rules must address but are not limited to license applications, form and display of
16 license, license examination format, criteria for and grading of examinations, disciplinary standards for
17 licensees, and the registration of interns and preceptors.

18 (e) make determinations of the qualifications of applicants under this chapter;

19 (f) administer the examination for licensure under this chapter;

20 (g) establish and collect fees, fines, and charges as provided in this chapter;

21 (h) issue, suspend, or revoke licenses under the conditions prescribed in this chapter; and

22 (i) certify that a chiropractor who meets the standards that the board by rule adopts is a qualified
23 evaluator for purposes of 39-71-711.

24 (4) The department shall keep a record of the proceedings of the board, which must at all times
25 be open to public inspection."

26

27 **Section 20.** Section 37-14-201, MCA, is amended to read:

28 **"37-14-201. Compensation of board members -- meetings -- quorum.** (1) Board members ~~shall~~
29 must receive compensation and travel expenses, as provided for in 37-1-133.

30 (2) The board shall meet at least twice a year and elect a ~~chairman~~ presiding officer at the first

1 meeting of each calendar year.

2 ~~(3) Four members of the board constitute a quorum for the purpose of transacting business."~~

3

4 **Section 21.** Section 37-15-201, MCA, is amended to read:

5 **"37-15-201. Meetings.** (1) The board shall meet at least once a year at a place, day, and hour
6 determined by the board. The board shall also meet at other times and places as the bylaws of the board
7 may provide or by call of the ~~chairman~~ presiding officer or a majority of the members of the board. ~~A~~
8 ~~quorum of the board shall consist of the majority of its members, but in no instance may a~~ A meeting of
9 three board members who are exclusively speech-language pathologists or exclusively audiologists may
10 not be considered a quorum.

11 (2) All meetings of the board for the consideration of and action on matters coming before the
12 board are open to the public except:

13 (a) when matters involving the management of internal affairs of the board may be considered and
14 acted upon by the board in executive meetings under rules prescribed by the board;

15 (b) sessions to prepare, approve, grade, or administer examinations;

16 (c) upon request of a person who has failed the licensing examinations and who is appearing to
17 appeal the failure."

18

19 **Section 22.** Section 37-16-201, MCA, is amended to read:

20 **"37-16-201. Meetings -- ~~quorum~~ -- organization.** (1) The board shall meet at least once each year
21 at a place and time determined by the ~~chairman~~ presiding officer and at other times and places specified
22 by the ~~chairman~~ presiding officer to carry out ~~this~~ the provisions of this chapter. ~~Three members constitute~~
23 ~~a quorum.~~

24 (2) Members of the board shall annually designate one member to serve as ~~chairman~~ presiding
25 officer and another member to serve as secretary-treasurer."

26

27 **Section 23.** Section 37-16-303, MCA, is amended to read:

28 **"37-16-303. Bill of sale -- medical evaluation requirements -- waiver.** (1) Any person who practices
29 the selling, fitting, or dispensing of hearing aids and related devices shall, upon the sale of a hearing aid
30 or related device, deliver to the customer a bill of sale that must contain:

1 (a) the seller's signature and license number and the name and address of the seller's permanent
2 place of business;

3 (b) a description of the make and type of the hearing aid or related device furnished and the
4 amount charged;

5 (c) any warranty or guaranty and the right to cancel, and the terms of the warranty or guaranty
6 and the right to cancel;

7 (d) the condition of the hearing aid or related device and whether it is new, used, or reconditioned;

8 (e) a provision that maintenance service for the hearing aid or related device is available; and

9 (f) the following statement, in boldface, 12-point type: "If you have any questions regarding your
10 consumer rights with respect to hearing aids and related devices, contact the state Board of Hearing Aid
11 Dispensers." The statement must also list the current telephone number and address of the board's office.

12 (2) (a) Except as provided in subsection (2)(b), a hearing aid dispenser may not sell a hearing aid
13 to a person unless the person has presented to the hearing aid dispenser a written statement signed by
14 a licensed physician within the previous 6 months that states that the person's hearing loss has been
15 medically evaluated and that ~~the person may benefit from a hearing aid~~ there are no contraindications for
16 MEDICAL FACTORS OR CONDITIONS THAT RENDER hearing aid use INADVISABLE AS A TREATMENT OR REMEDY FOR
17 HEARING LOSS.

18 (b) If the prospective hearing aid purchaser is 18 years of age or older, the hearing aid dispenser
19 may give that person the opportunity to waive the requirements of subsection (2)(a) in accordance with
20 the disclosure, waiver form, and instructional brochure requirements of the U.S. food and drug
21 administration regulations found at 42 CFR 801.420 and 42 CFR 801.421."

22

23 **Section 24.** Section 37-17-201, MCA, is amended to read:

24 **"37-17-201. Meetings -- expenses of members -- attorney general as board attorney -- seal.** (1)
25 The board shall hold a regular annual meeting in which it shall select from its members a ~~chairman~~
26 presiding officer and a secretary. Other regular meetings ~~shall~~ must be held at ~~such~~ the times ~~as that~~
27 rules of the board provide. Special meetings may be held at times considered necessary or advisable by
28 the ~~chairman~~ presiding officer and the majority of its members or on the request of the governor.
29 Reasonable notice of meetings ~~shall~~ must be given in the manner prescribed by the board. ~~The quorum of~~
30 ~~the board consists of the majority of its members.~~ The department shall keep a record of the board's

1 proceedings.

2 (2) Each board member ~~shall~~ must receive compensation and travel expenses as provided for in
3 37-1-133.

4 (3) The attorney general shall act as attorney for the board. ~~He or his~~ The attorney general or a
5 representative of the attorney general may sit as an ex officio member of the board in an advisory capacity
6 only.

7 (4) The board shall adopt an official seal."
8

9 **Section 25.** Section 37-17-306, MCA, is amended to read:

10 **"37-17-306. Renewal.** (1) The license expires on the date set by department rule. The department
11 shall notify each person licensed under this chapter relative to the date of the expiration and the amount
12 of the renewal fee. This notice must be mailed to each licensed psychologist at the licensee's listed
13 address at least 1 month before the expiration of the license.

14 (2) Renewal may be made by application during the 60 days prior to the expiration date. Failure
15 on the part of a person licensed to pay the renewal fee by the expiration date does not deprive the person
16 of the right to renew, ~~but the fee must be increased 10% for each month or major portion of a month that~~
17 ~~the payment of the renewal fee is delayed after the expiration date. The maximum fee for delayed renewal~~
18 ~~may not exceed twice the normal renewal fee~~ However, a late fee must be assessed in accordance with
19 board rule. Application for renewal following a lapse of 1 year or more will be subject to review by the
20 board, and the applicant may be requested to successfully complete an examination ~~successfully~~ if the
21 board so determines."
22

23 **Section 26.** Section 37-18-201, MCA, is amended to read:

24 **"37-18-201. Organization -- meetings.** (1) A board member ~~shall~~ must receive a certificate of
25 appointment from the governor.

26 (2) The board shall annually elect from its members a president, ~~vice-president~~ vice president, and
27 secretary-treasurer and shall hold at least two regular meetings each year. ~~At a meeting four members of~~
28 ~~the board constitute a quorum.~~ If a member of the board, without cause, ~~absents himself from two of its~~
29 ~~regular meetings consecutively, his office is vacant~~ is absent from two consecutive regular meetings, that
30 member's position on the board is vacated."

1

2 **Section 27.** Section 37-19-202, MCA, is amended to read:

3 "**37-19-202. Meetings -- ~~quorum~~ -- rulemaking power.** The board shall hold ~~such~~ meetings as may
4 be necessary. ~~Three members constitute a quorum for the transaction of business.~~ The board may adopt
5 and enforce rules to carry out the purposes of this chapter."

6

7 **Section 28.** Section 37-24-201, MCA, is amended to read:

8 "**37-24-201. Organization -- general rulemaking power -- ~~quorum~~.** (1) The board of occupational
9 therapy practice shall meet annually and elect a ~~chairman~~ presiding officer and a secretary from its
10 members. The board shall hold other meetings when necessary to transact its business.

11 (2) The board may adopt rules for the conduct of its affairs and the administration of this chapter.
12 Rules adopted by the board may include ~~such rules as~~ that are reasonable or necessary for the proper
13 performance of its duties and the regulation of proceedings before it.

14 ~~(3) Three board members constitute a quorum for the transaction of business."~~

15

16 **Section 29.** Section 37-26-202, MCA, is amended to read:

17 "**37-26-202. Board meetings.** (1) The board shall meet at least once annually.

18 (2) Special meetings may be called by any two board members or the presiding officer.

19 ~~(3) A majority of the board constitutes a quorum for the transaction of business."~~

20

21 **Section 30.** Section 37-28-103, MCA, is amended to read:

22 "**37-28-103. Board meetings -- procedure -- seal.** (1) (a) The board shall meet at least once a year
23 ~~and shall elect annually a president, vice president, presiding officer and secretary-treasurer from its~~
24 ~~membership.~~ The board may convene at the request of the ~~president~~ presiding officer or at other times the
25 board determines necessary to transact its business.

26 (b) The governor shall designate the presiding officer of the board.

27 (2) The board shall adopt a seal by which the board may authenticate its documents."

28

29 **Section 31.** Section 37-30-101, MCA, is amended to read:

30 "**37-30-101. Definitions -- practice of barbering.** (1) Unless the context requires otherwise, as

1 used in this chapter the following definitions apply:

2 (a) "Barbershop" means a place where a person carries on, engages in, practices, or causes to be
3 carried on, engaged in, or practiced the business of barbering.

4 (b) "Board" means the board of barbers provided for in 2-15-1856.

5 (c) "Department" means the department of commerce provided for in Title 2, chapter 15, part 18.

6 (2) Any one or any combination of the following practices, when done upon the human body for
7 tonsorial purposes and not for the treatment of disease or physical or mental ailments and when done for
8 payment, either directly or indirectly, constitutes the practice of barbering:

9 (a) shaving or trimming the beard;

10 (b) cutting, styling, coloring, or waving the hair;

11 (c) straightening of the hair by using chemicals;

12 (d) giving facial or scalp massage or treatment with oils, creams, lotions, or other preparations,
13 either by hand or mechanical appliances;

14 (e) ~~singeing or~~ shampooing the hair or applying hair tonic or bleaching or highlighting the hair of
15 ~~male persons~~;

16 (f) applying cosmetic preparations, antiseptics, powders, oils, lotions, or gels to the scalp, face,
17 hands, or neck.

18 (3) The practice of cosmetology by a licensed cosmetologist, including cutting the hair of any
19 person, does not constitute the practice of barbering."

20

21 **Section 32.** Section 37-47-202, MCA, is amended to read:

22 **"37-47-202. Executive director -- ~~qualifications~~ -- powers and duties.** (1) The department may hire
23 an executive director to assist the board in carrying out its duties under this chapter.

24 ~~(2) The executive director must:~~

25 ~~—— (a) be a citizen of the United States and a resident of Montana;~~

26 ~~—— (b) have knowledge of outfitting and guiding; and~~

27 ~~—— (c) have at least 2 years' experience in management or equivalent training or education.~~

28 ~~(3)~~(2) The duties of the executive director include:

29 (a) processing and investigating applications for licensure as an outfitter or guide;

30 (b) conducting investigations of outfitters and guides that involve violations of this chapter or rules

1 of the board and reporting to the board regarding complaints and investigations of complaints;

2 (c) coordinating inspections, investigations, and training activities of investigators under this
3 chapter; and

4 (d) coordinating investigations with other local, state, and federal agencies."

5

6 **Section 33.** Section 37-50-201, MCA, is amended to read:

7 **"37-50-201. Organization -- general rulemaking power -- ~~quorum~~ -- seal -- records.** (1) The board
8 shall elect annually a ~~chairman~~ presiding officer and a secretary from its members.

9 (2) The board may adopt rules for the conduct of its affairs and the administration of this chapter.

10 ~~(3) A quorum for the transaction of business consists of three members of the board.~~

11 ~~(4)~~(3) The board ~~shall~~ must have a seal ~~which shall~~ that must be judicially noticed.

12 ~~(5)~~(4) The department shall keep records of the board's proceedings. In a proceeding in court, civil
13 or criminal, arising out of or founded on this chapter, copies of these records certified as correct under the
14 seal of the board are admissible in evidence as tending to prove the content of these records."

15

16 **Section 34.** Section 37-51-102, MCA, is amended to read:

17 **"37-51-102. Definitions.** Unless the context requires otherwise, in this chapter, the following
18 definitions apply:

19 (1) "Account" means the real estate recovery account established in 37-51-501.

20 (2) (a) "Adverse material fact" means a fact that should be recognized by a broker or salesperson
21 as being of enough significance as to affect a person's decision to enter into a contract to buy or sell real
22 property and may be a fact that:

23 (i) materially affects the value, affects structural integrity, or presents a documented health risk
24 to occupants of the property; or

25 (ii) materially affects the buyer's ability or intent to perform the buyer's obligations under a
26 proposed or existing contract.

27 (b) The term does not include the fact that an occupant of the property has or has had a
28 communicable disease or that the property was the site of a suicide or felony.

29 (3) "Board" means the board of realty regulation provided for in 2-15-1867.

30 (4) "Broker" includes an individual who:

1 (a) for another or for valuable consideration or who with the intent or expectation of receiving
2 valuable consideration negotiates or attempts to negotiate the listing, sale, purchase, rental, exchange,
3 or lease of real estate or of the improvements on real estate or collects rents or attempts to collect rents;

4 (b) is employed by or on behalf of the owner or lessor of real estate to conduct the sale, leasing,
5 subleasing, or other disposition of real estate for consideration;

6 (c) engages in the business of charging an advance fee or contracting for collection of a fee in
7 connection with a contract by which the individual undertakes primarily to promote the sale, lease, or other
8 disposition of real estate in this state through its listing in a publication issued primarily for this purpose
9 or for referral of information concerning real estate to brokers;

10 (d) makes the advertising, sale, lease, or other real estate information available by public display
11 to potential buyers and who aids, attempts, or offers to aid, for a fee, any person in locating or obtaining
12 any real estate for purchase or lease;

13 (e) aids or attempts or offers to aid, for a fee, any person in locating or obtaining any real estate
14 for purchase or lease;

15 (f) receives a fee, commission, or other compensation for referring to a licensed broker or
16 salesperson the name of a prospective buyer or seller of real property; or

17 (g) advertises or represents to the public that the individual is engaged in any of the activities
18 referred to in subsections (4)(a) through (4)(f).

19 ~~(5) "Broker associate" means a broker who associates, as an employee or independent contractor,~~
20 ~~with a broker owner and does not own an interest in a real estate firm.~~

21 ~~——(6) "Broker owner" means a broker who owns or has a financial interest in a real estate firm.~~

22 ~~(7)~~(5) "Buyer" means a person who is interested in acquiring an ownership interest in real property
23 or who has entered into an agreement to acquire an interest in real property. The term includes tenants
24 or potential tenants with respect to leases or rental agreements of real property.

25 ~~(8)~~(6) "Buyer agent" means a broker or salesperson who, pursuant to a written buyer broker
26 agreement, is acting as the agent of the buyer in a real estate transaction and includes a buyer subagent
27 and an in-house buyer agent designate.

28 ~~(9)~~(7) "Buyer broker agreement" means a written agreement in which a prospective buyer employs
29 a broker to locate real estate of the type and with terms and conditions as designated in the written
30 agreement.

1 ~~(10)~~(8) "Buyer subagent" means a broker or salesperson who, pursuant to an offer of a subagency,
2 acts as the agent of a buyer.

3 ~~(11)~~(9) "Department" means the department of commerce provided for in Title 2, chapter 15, part
4 18.

5 ~~(12)~~(10) "Dual agent" means a broker or salesperson who, pursuant to a written listing agreement
6 or buyer broker agreement or as a buyer or seller subagent, acts as the agent of both the buyer and seller
7 with written authorization, as provided in 37-51-314. An in-house buyer or seller agent designate may not
8 be considered a dual agent.

9 ~~(13)~~(11) "Franchise agreement" means a contract or agreement by which:

10 (a) a franchisee is granted the right to engage in business under a marketing plan prescribed in
11 substantial part by the franchisor;

12 (b) the operation of the franchisee's business is substantially associated with the franchisor's
13 trademark, trade name, logotype, or other commercial symbol or advertising designating the franchisor;
14 and

15 (c) the franchisee is required to pay, directly or indirectly, a fee for the right to operate under the
16 agreement.

17 ~~(14)~~(12) "In-house buyer agent designate" means a broker ~~associate~~ or salesperson employed by
18 or associated as an independent contractor with a broker ~~owner~~ and designated by the broker ~~owner~~ as
19 the exclusive agent for a buyer for a designated transaction and who may not be considered to be acting
20 for other than the buyer with respect to the designated transaction.

21 ~~(15)~~(13) "In-house seller agent designate" means a broker ~~associate~~ or salesperson employed by
22 or associated as an independent contractor with a broker ~~owner~~ and designated by the broker ~~owner~~ as
23 the exclusive agent for a seller for a designated transaction and who may not be considered to be acting
24 for other than the seller with respect to the designated transaction.

25 ~~(16)~~(14) "Listing agreement" means a written agreement between a seller and broker for the sale
26 of real estate, with the terms and conditions set out in the agreement.

27 ~~(17)~~(15) "Negotiations" means:

28 (a) efforts to act as an intermediary between parties to a real estate transaction;

29 (b) facilitating and participating in contract discussions;

30 (c) completing forms for offers, counteroffers, addendums, and other writings; and

1 (d) presenting offers and counteroffers.

2 ~~(18)~~(16) "Person" includes individuals, partnerships, associations, and corporations, foreign and
3 domestic, except that when referring to a person licensed under this chapter, it means an individual.

4 ~~(19)~~(17) "Property manager" includes a person who for a salary, commission, or compensation of
5 any kind engages in the business of leasing, renting, subleasing, or other transfer of possession of real
6 estate belonging to others without transfer of the title to the property, pursuant to 37-51-601 and
7 37-51-602.

8 ~~(20)~~(18) "Real estate" includes leaseholds as well as any other interest or estate in land, whether
9 corporeal, incorporeal, freehold, or nonfreehold and whether the real estate is situated in this state or
10 elsewhere.

11 ~~(21)~~(19) "Real estate transaction" means the sale, exchange, or lease or grant of an option for the
12 sale, exchange, or lease of an interest in real estate and includes all communication, interposition,
13 advisement, negotiation, and contract development and closing.

14 ~~(22)~~(20) "Salesperson" includes an individual who for a salary, commission, or compensation of
15 any kind is associated, either directly, indirectly, regularly, or occasionally, with a real estate broker to sell,
16 purchase, or negotiate for the sale, purchase, exchange, or renting of real estate.

17 ~~(23)~~(21) "Seller" means a person who has entered into a listing agreement to sell real estate and
18 includes landlords who have an interest in or are a party to a lease or rental agreement.

19 ~~(24)~~(22) "Seller agent" means a broker or salesperson who, pursuant to a written listing
20 agreement, acts as the agent of a seller and includes a seller subagent and an in-house seller agent
21 designate.

22 ~~(25)~~(23) "Seller subagent" means a broker or salesperson who, pursuant to an offer of a
23 subagency, acts as the agent of a seller.

24 ~~(26)~~(24) (a) "Statutory broker" means a broker or salesperson who assists one or more parties to
25 a real estate transaction without acting as an agent or representative of any party to the real estate
26 transaction.

27 (b) A broker or salesperson is presumed to be acting as a statutory broker unless the broker or
28 salesperson has entered into a listing agreement with a seller or a buyer broker agreement with a buyer
29 or has disclosed, as required in this chapter, a relationship other than that of a statutory broker."
30

1 **Section 35.** Section 37-51-209, MCA, is amended to read:

2 "**37-51-209. Executive secretary -- hiring, and duties, ~~and qualifications.~~** (1) The department of
3 commerce may hire an executive secretary to carry out duties prescribed by the board pursuant to the
4 board's responsibilities and duties established by law.

5 ~~(2) The person hired to be executive secretary:~~

6 ~~—— (a) shall possess at least a bachelor's degree from an accredited college or university;~~

7 ~~—— (b) may not be an officer or paid employee of a real estate association or group of real estate
8 dealers or brokers;~~

9 ~~—— (c) must be a citizen of the United States of America; and~~

10 ~~—— (d) must be of good moral character."~~

11

12 **Section 36.** Section 37-51-302, MCA, is amended to read:

13 "**37-51-302. Broker or salesperson license -- qualifications of applicant.** (1) Licenses may be
14 granted only to individuals considered by the board to be of good repute and competent to transact the
15 business of a broker or salesperson in a manner as to safeguard the interests of the public.

16 (2) An applicant for a broker's license ~~shall~~:

17 (a) must be at least 18 years of age;

18 (b) must have graduated from an accredited high school or completed an equivalent education as
19 determined by the board;

20 (c) must have been actively engaged as a licensed real estate salesperson for a period of 2 years
21 or have had experience or special education equivalent to that which a licensed real estate salesperson
22 ordinarily would receive during this 2-year period as determined by the board, except that if the board finds
23 that an applicant could not obtain employment as a licensed real estate salesperson because of conditions
24 existing in the area where ~~he~~ the applicant resides, the board may waive this experience requirement;

25 (d) shall file an application for a license with the department; and

26 (e) shall furnish written evidence that ~~he~~ the applicant has completed 60 classroom or equivalent
27 hours, ~~(in addition to those required to secure a salesperson's license),~~ in a course of study approved by
28 the board and taught by instructors approved by the board and has satisfactorily passed an examination
29 dealing with the material taught in each course. The course of study must include the subjects of real
30 estate principles, real estate law, real estate finance, and related topics.

1 (3) The board shall require information it considers necessary from an applicant to determine ~~his~~
2 honesty, trustworthiness, and competency.

3 (4) (a) An applicant for a salesperson's license ~~shall~~:

4 (i) must be at least 18 years of age;

5 (ii) must have received credit for completion of 2 years of full curriculum study at an accredited
6 high school or completed an equivalent education as determined by the board;

7 (iii) shall file an application for a license with the department; and

8 (iv) shall furnish written evidence that ~~he~~ the applicant has completed 60 classroom or equivalent
9 hours in a course of study approved by the board and taught by instructors approved by the board and
10 has satisfactorily passed an examination dealing with the material taught in each course. The course of
11 study must include the subjects of real estate principles, real estate law and ethics, real estate finance,
12 and related topics.

13 (b) ~~His~~ The application ~~shall~~ must be accompanied by the recommendation of the licensed broker
14 by whom the applicant will be employed or placed under contract, certifying that the applicant is of good
15 repute and that the broker will actively supervise and train the applicant during the period the requested
16 license remains in effect.

17 (5) The department shall issue to each licensed broker and to each licensed salesperson a license
18 and a pocket card in a form and size ~~as~~ that the board prescribes.

19 ~~(6) A broker's license must indicate whether the broker is a broker owner or a broker associate."~~

20

21 **Section 37.** Section 37-51-309, MCA, is amended to read:

22 **"37-51-309. Broker ~~owner -- broker associate~~ -- salesperson -- notice to department of change**
23 **of association.** (1) A salesperson may not be associated with or under contract to more than one licensed
24 broker ~~owner, nor may he~~ or perform services for a broker other than the one designated on the license
25 issued to the salesperson.

26 (2) When a licensed salesperson desires to change ~~his~~ association or contractual relationship from
27 one licensed broker to another, ~~he~~ the salesperson shall notify the department promptly in writing of these
28 facts, pay the required fee, and return ~~his~~ the salesperson's license ~~and pocket card~~, and a new license
29 and pocket card ~~shall~~ must be issued. ~~No~~ A salesperson ~~shall~~ may not directly or indirectly work for or with
30 a broker ~~owner~~ until ~~he~~ the salesperson has been issued a license to work for or with that broker ~~owner~~.

1 On termination of a salesperson's association or contractual relationship, ~~he~~ the salesperson shall surrender
 2 ~~his~~ the salesperson's license and pocket card to ~~his~~ the salesperson's broker, ~~owner~~ who shall return ~~them~~
 3 it to the department for cancellation.

4 (3) Only one license ~~shall~~ may be issued to a salesperson to be in effect at one time.

5 ~~(4) A broker associate may not be associated with more than one broker owner."~~

6

7 **Section 38.** Section 37-51-315, MCA, is amended to read:

8 **"37-51-315. Vicarious liability.** (1) A party to a real estate transaction is not liable for a
 9 misrepresentation made by the party's agent or subagent unless:

10 (a) the party has actual knowledge of the misrepresentation; or

11 (b) the agent or subagent is repeating a misrepresentation made by the party.

12 (2) A broker is not liable for a misrepresentation made by the broker's ~~broker associate or~~
 13 subagent unless:

14 (a) the broker has actual knowledge of the misrepresentation;

15 (b) ~~a broker associate~~ the subagent making the misrepresentation is an employee of the broker
 16 and not an independent contractor ~~or subagent~~; or

17 (c) a broker ~~associate~~ or subagent is repeating a misrepresentation made by the broker.

18 (3) An agent is not liable for a misrepresentation made by the principal unless the agent has actual
 19 knowledge of the misrepresentation."

20

21 NEW SECTION. **Section 39. Temporary registration of certification and licensure of out-of-state**
 22 **appraisers.** (1) The board shall recognize on a temporary basis the certificate or license of an appraiser
 23 issued by another state if:

24 (a) the appraiser's business in this state is of a temporary nature; and

25 (b) the appraiser registers with the board.

26 (2) The out-of-state appraiser shall submit an application for temporary registration on a form
 27 prescribed by the board and pay the required fee. In addition, a letter of good standing or license history
 28 indicating that the applicant is currently in good standing must be submitted directly to the board's office
 29 from the applicant's state of certification or licensure, or the board may obtain a national registry appraiser
 30 license history report.

1 (3) The temporary registration is valid only for a single appraisal assignment within this state. The
 2 temporary registration may be awarded for a 6-month period and renewed one time within the 12-month
 3 period following the original date on which the temporary registration was issued.

4 (4) A single appraisal assignment may include one or more properties under a single contract with
 5 a single client.

6

7 **Section 40.** Section 37-60-201, MCA, is amended to read:

8 **"37-60-201. Organization -- meetings -- records.** The board shall meet annually and shall elect
 9 from among the seven members a president and a secretary. The board shall hold other meetings when
 10 necessary to transact its business. ~~A majority of the board constitutes a quorum at any meeting.~~ The
 11 department shall keep complete minutes and records of the meetings and rules and orders promulgated
 12 by the board. Copies of records and papers kept by the department, certified by the ~~chairman~~ president
 13 and authenticated by the seal of the board, ~~shall~~ must be received in evidence in courts with like effect
 14 as the original. Records of the board are open to public inspection under rules it prescribes."

15

16 **Section 41.** Section 37-65-201, MCA, is amended to read:

17 **"37-65-201. Organization -- meetings -- records.** (1) The board ~~must~~ shall, during the first week
 18 ~~in April of each year on an annual basis,~~ elect from among its number a president, ~~secretary, and treasurer~~
 19 ~~and must have a seal~~ vice president, and secretary-treasurer.

20 ~~(2) The president and secretary may administer oaths in the examination of applications for~~
 21 ~~certificates and to witnesses called before the board for the transaction of business under this chapter.~~

22 ~~——(3) The board shall meet at places the board determines during the first week of April of each year~~
 23 ~~and at other times.~~

24 ~~(4)(2)~~ The department ~~must~~ shall keep a record of proceedings of the board.

25 ~~(5)(3)~~ The department ~~must~~ shall keep a register of applicants for a certificate, with the name of
 26 the applicant ~~and age of applicants, the number of years spent in the study of architecture,~~ and whether
 27 the applicant was granted a certificate or rejected. The register is prima facie evidence of the matters
 28 contained in it."

29

30 **Section 42.** Section 37-65-303, MCA, is amended to read:

1 **"37-65-303. Application -- examination -- issuance of license.** (1) A person wishing to practice
 2 architecture in this state shall apply to the department for a license ~~to do so~~. A person applying shall must
 3 have successfully completed the requirement of prerequisites in education, and practical experience, and
 4 a written examination as prescribed by the board. The examination must be in substantial conformance
 5 with the standard national council of architectural registration boards examination and grading procedure,
 6 except as modified by board rules.

7 (2) After examination, the department shall, if the candidate has been found qualified, grant a
 8 license to the candidate to practice architecture in this state, which may ~~only~~ be granted only on the
 9 consent of not less than two members of the board, ~~attested by the secretary, and have the seal of the~~
 10 ~~board attached.~~"

11

12 **Section 43.** Section 37-65-304, MCA, is amended to read:

13 **"37-65-304. Examination fee -- deposit of fee.** (1) Applicants for examination shall pay ~~in advance~~
 14 ~~to the department a fee set by the board, commensurate with the cost, which shall defray the entire~~
 15 ~~examination expense of the candidate. An applicant failing to pass the examination is entitled to~~
 16 ~~reevaluation at the next scheduled examination on payment of a reasonable fee prescribed a fee~~
 17 established by an examination entity and approved by the board.

18 ~~———(2) The money received from the applicant shall must be deposited in the state special revenue~~
 19 ~~fund for the use of the board, subject to 37-1-101(6)."~~

20

21 **Section 44.** Section 37-65-308, MCA, is amended to read:

22 **"37-65-308. Seal of architect.** Every licensed architect shall must have a seal, ~~the impression of~~
 23 ~~which that~~ that must contain the name of the architect, ~~his or her~~ the city and state of the architect's place
 24 of business, the architect's license number, and the words "Licensed Architect, State of Montana", ~~with~~
 25 ~~which he or she shall stamp all drawings and specifications issued from his or her office for use in this~~
 26 ~~state."~~

27

28 NEW SECTION. **Section 45. License verification.** Notification to the board by a board-approved
 29 entity that the entity has received verification from a state or jurisdiction in which a person is licensed that
 30 the person is currently licensed and is not subject to pending charges or final disciplinary action for

1 unprofessional conduct must be considered verification in compliance with 37-1-304(2).

2

3 **Section 46.** Section 37-66-301, MCA, is amended to read:

4 **"37-66-301. License required.** In order to safeguard human health and property and to promote
5 the public welfare, ~~any~~ a person in either a public or private capacity practicing or offering to practice
6 landscape architecture ~~for hire shall be~~ is required to submit evidence that ~~he~~ the person is qualified to ~~so~~
7 practice and ~~shall be licensed~~ be registered under the provisions of this chapter."
8

8

9 **SECTION 47. SECTION 37-66-304, MCA, IS AMENDED TO READ:**

10 **"37-66-304. Qualifications not required -- application for licensure.** (1) A person wishing to
11 practice landscape architecture in this state shall apply to the department for a license and successfully
12 pass a written examination established by the board.

13 (2) Each applicant must be admitted to the examination without prerequisite qualifications."
14

14

15 **Section 48.** Section 37-66-304, MCA, is amended to read:

16 **"37-66-304. Qualifications ~~not required~~ and application for licensure.** (1) A person wishing to
17 practice landscape architecture in this state shall apply to the department for a license.

18 (2) Each applicant ~~must be admitted to the examination without prerequisite qualifications for~~
19 licensure must have successfully completed the educational, practical experience, and written examination
20 requirements established by the board."
21

21

22 **Section 49.** Section 37-67-101, MCA, is amended to read:

23 **"37-67-101. Definitions.** As used in this chapter, the following definitions apply:

24 (1) "Board" means the board of professional engineers and professional land surveyors provided
25 for in 2-15-1873.

26 (2) "Department" means the department of commerce provided for in Title 2, chapter 15, part 18.

27 (3) "Engineer intern" means a person who complies with the requirements for education,
28 experience, and character and has passed an examination in the fundamental engineering subjects, as
29 provided in this chapter.

30 (4) "Engineering survey" means all survey activities required to support the sound conception,

1 planning, design, construction, maintenance, operation, and association of engineering projects, but
 2 excludes the surveying of real property for the establishment of land boundaries, rights-of-way, easements,
 3 and the dependent or independent surveys or resurveys of the public land survey system.

4 ~~(4)~~(5) "Land surveyor intern" means a person who has qualified for, taken, and passed an
 5 examination on the basic disciplines of land surveying, as provided in this chapter.

6 ~~(5)~~(6) (a) "Practice of engineering" means:

7 (i) any service or creative work the adequate performance of which requires engineering education,
 8 training, and experience in the application of special knowledge of the mathematical, physical, and
 9 engineering sciences to the services or creative work as consultation, investigation, evaluation, planning
 10 and design of engineering works and systems, planning the use of water, teaching of advanced engineering
 11 subjects, engineering surveys, and the inspection of construction for the purpose of ensuring compliance
 12 with drawings and specifications;

13 (ii) any of the functions described in subsection ~~(5)(a)(i)~~ (6)(a)(i) that embrace the services or work,
 14 either public or private, in connection with any utilities, structures, buildings, machines, equipment,
 15 processes, work systems, projects, and industrial or consumer products or equipment of mechanical,
 16 electrical, hydraulic, pneumatic, or thermal nature insofar as they involve safeguarding life, health, or
 17 property.

18 (b) The term includes other professional services necessary to the planning, progress, and
 19 completion of any engineering services.

20 (c) The term does not include the work ordinarily performed by persons who operate or maintain
 21 machinery or equipment, communication lines, signal circuits, electric powerlines, or pipelines.

22 ~~(6)~~(7) "Practice of land surveying" means any service or work, the performance of which requires
 23 the application of special knowledge of the principles of mathematics, physical sciences, applied sciences,
 24 and:

25 (a) the principles of property boundary law to the recovery and preservation of evidence pertaining
 26 to earlier land surveys;

27 (b) teaching of land surveying subjects;

28 (c) measurement and allocation of lines, angles, elevations, and coordinate systems;

29 (d) location of natural and constructed features in the air, on the surface of the earth, within
 30 underground workings, and on the beds of bodies of water, including work for the determination of areas

1 and volumes;

2 (e) monumenting of property boundaries;

3 (f) platting and layout of lands and the subdivisions of land, including the alignment and grades
4 of streets and roads in subdivisions; ~~and~~

5 (g) preparation and perpetuation of maps, plats, field note records, and property descriptions; and

6 (h) locating, relocating, establishing, reestablishing, laying out, or retracing of any property line
7 or boundary of any tract of land or road, right-of-way, easement, right-of-way easement, alignment, or
8 elevation of any of the fixed works embraced within the practice of engineering.

9 ~~(7)~~(8) "Professional engineer" means a person who, by reason of special knowledge and use of
10 the mathematical, physical, and engineering sciences and the principles and methods of engineering
11 analysis and design acquired by engineering education and engineering experience, is qualified to practice
12 engineering and who has been ~~registered and~~ licensed as a professional engineer by the board.

13 ~~(8)~~(9) "Professional land surveyor" means a person who:

14 (a) has been ~~registered and~~ licensed as a land surveyor by the board;

15 (b) is a professional specialist in the technique, analysis, and application of measuring land;

16 (c) is skilled and educated in the principles of mathematically related physical and applied sciences,
17 relevant requirements of law for adequate evidence, and all requisites to the surveying of real property;
18 and

19 (d) is engaged in the practice of land surveying ~~as defined in this section.~~

20 ~~(9)~~(10) "Responsible charge" means direct charge and control and personal supervision either of
21 engineering work or of land surveying. Only a professional engineer or a professional land surveyor may
22 legally assume responsible charge under this chapter."

23

24 **Section 50.** Section 37-67-102, MCA, is amended to read:

25 **"37-67-102. Representation as practitioner to be ~~construed~~ considered as practice.** (1) A person
26 ~~shall must~~ be ~~construed~~ considered to practice or offer to practice engineering, within the meaning and
27 intent of this chapter, who:

28 (a) practices any branch of the profession of engineering; ~~or who~~

29 (b) by verbal claim, sign, advertisement, letterhead, card, or in any other way represents ~~himself~~
30 ~~to be~~ that the person is a professional engineer or through the use of some other title implies that ~~he~~ the

1 person is a professional engineer or ~~that he is registered~~ licensed under this chapter; or
 2 ~~(c) who holds himself out~~ represents that the person as is able to perform or ~~who~~ does perform
 3 any engineering service or work or any other service designated by the practitioner ~~which~~ that is
 4 recognized as engineering.
 5 (2) ~~Any A~~ person ~~shall~~ must be ~~construed~~ considered to practice or offer to practice land
 6 surveying, within the meaning and intent of this chapter, who:
 7 (a) engages in land surveying; ~~or who~~
 8 (b) by verbal claim, sign, letterhead, card, or in any other way represents ~~himself to be~~ that the
 9 person is a professional land surveyor or through the use of some other title implies that ~~he~~ the person is
 10 a professional land surveyor; or
 11 (c) ~~who~~ represents ~~himself as~~ that the person is able to perform or ~~who~~ does perform any land
 12 surveying service or work or any other service designated by the practitioner ~~which~~ that is recognized as
 13 land surveying."
 14

15 **Section 51.** Section 37-67-103, MCA, is amended to read:

16 **"37-67-103. Exemptions.** The following are exempt from coverage under this chapter:

17 (1) the practice of any other legally recognized professions or trades;

18 (2) the mere execution of work by a contractor, as distinguished from its planning or design or
 19 the supervision of the construction of work as a ~~foreman~~ lead supervisor or superintendent;

20 (3) the work of an employee or a subordinate of a person holding a ~~certificate of registration~~
 21 license under this chapter or an employee of a person practicing lawfully under this chapter, ~~provided such~~
 22 if the work does not include final engineering or land surveying designs or decisions and is done under the
 23 direct supervision of a person holding a ~~certificate of registration~~ license under this chapter or a person
 24 practicing lawfully under this chapter;

25 (4) the practice of professional engineering by licensed architects ~~where~~ when the practice is
 26 purely incidental to their practice of architecture."
 27

28 **Section 52.** Section 37-67-201, MCA, is amended to read:

29 **"37-67-201. Organization -- meetings -- ~~quorum~~ -- seal.** (1) The board shall hold at least two
 30 regular meetings each year. Special meetings ~~shall~~ must be held at ~~such~~ the time ~~as~~ that the rules of the

1 board ~~may~~ provide. Notice of all meetings ~~shall~~ must be given in ~~such the~~ manner as that the rules ~~may~~
2 provide.

3 (2) The board shall elect annually the following officers: a ~~chairman~~ presiding officer, a
4 ~~vice-chairman~~ vice presiding officer, and a secretary.

5 ~~(3) A quorum of the board shall consist of not less than five members.~~

6 ~~(4)(3)~~ The board shall adopt ~~and have~~ an official seal."
7

8 **Section 53.** Section 37-67-204, MCA, is amended to read:

9 **"37-67-204. Record of proceedings -- register of applicants.** (1) The department shall keep a
10 record of its proceedings and a register of the board's proceedings.

11 (2) The department shall keep a register of applicants for ~~registration~~ licensure, which ~~shall~~ must
12 show:

- 13 (a) the name, age, and residence of each applicant;
- 14 (b) the date of the application;
- 15 (c) the place of business of the applicant;
- 16 (d) ~~his~~ the applicant's educational and other qualifications;
- 17 (e) the branch or branches of engineering in which the applicant qualified;
- 18 (f) whether an examination was required;
- 19 (g) whether the applicant was rejected;
- 20 (h) whether a ~~certificate of registration~~ license was granted;
- 21 (i) the date of the action of the board; and
- 22 (j) other information considered necessary by the board.

23 (3) The records of the department are prima facie evidence of the proceedings of the board, and
24 a transcript ~~thereof~~ of the proceedings, certified by the department, is admissible in evidence as if the
25 original were produced."
26

27 **Section 54.** Section 37-67-301, MCA, is amended to read:

28 **"37-67-301. License required to practice or offer to practice.** In order to safeguard life, health,
29 and property and to promote the public welfare, ~~any~~ a person in either a public or private capacity
30 practicing or offering to practice engineering or land surveying ~~shall hereafter be~~ is required to submit

1 evidence that ~~he~~ the person is qualified ~~so~~ to practice and ~~shall be registered~~ is licensed as hereinafter
 2 provided in this chapter. ~~From and after January 1, 1958, it shall be~~ It is unlawful for ~~any a~~ person to
 3 practice or to offer to practice in this state engineering or land surveying, ~~as defined in this chapter~~, or to
 4 use in connection with ~~his~~ the person's name or otherwise assume, use, or advertise any title or
 5 description tending to convey the impression that ~~he~~ the person is a professional engineer or a professional
 6 land surveyor unless ~~such~~ the person has been ~~duly registered~~ licensed under the provisions of this
 7 chapter."

8

9 **Section 55.** Section 37-67-303, MCA, is amended to read:

10 **"37-67-303. Application -- contents -- fees.** (1) Applications for ~~registration~~ licensure must be on
 11 forms prescribed by the board and furnished by the department, must contain statements made under oath
 12 showing the applicant's education and a detailed summary of the applicant's technical work, and must
 13 contain the required references.

14 (2) The fee for an engineer intern is as prescribed by the board, must accompany the application,
 15 and must include the cost of one examination. ~~No~~ An additional fee is not required for the issuance of a
 16 certificate.

17 (3) The application fee for ~~registration~~ licensure as a professional engineer is as prescribed by the
 18 board for those holding an engineer intern certificate validated for Montana. For those holding a valid
 19 engineer intern certificate from some other state, the application fee is as prescribed by the board, which
 20 includes the cost of verification of engineer intern certification or licensure and one examination. Upon
 21 approval of an application for ~~registration~~ licensure as a professional engineer, an additional fee equal to
 22 the existing renewal fee must be paid before the issuance of a ~~certificate~~ license as a professional
 23 engineer.

24 (4) The department, subject to approval by the board, may, on approval of the application,
 25 payment of a fee as prescribed by the board, and payment of an additional fee equal to the appropriate
 26 renewal fee, issue a ~~certificate of registration~~ license as a professional engineer to a person who holds a
 27 certificate of qualification or ~~registration~~ licensure issued to the person by the committee on national
 28 engineering certification of the national council of examiners for engineering and surveying or by a state,
 29 territory, or possession of the United States or by another country if the applicant's qualifications meet
 30 the requirements of this chapter and the rules of the board.

1 (5) The fee for a land surveyor intern is as prescribed by the board, which must accompany the
 2 application and must include the cost of one examination. ~~No~~ An additional fee is not required for issuance
 3 of a certificate.

4 (6) The application fee for ~~registration~~ licensure as a professional land surveyor is as prescribed
 5 by the board for those holding a land surveyor intern certificate validated in Montana. For those holding
 6 a valid land surveyor intern certificate from some other state, the application fee is as prescribed by the
 7 board, which includes cost of verification of the certification. Upon approval of an application for
 8 ~~registration~~ licensure as a professional land surveyor, an additional fee equal to the existing renewal fee
 9 must be paid before the issuance of a ~~certificate~~ license as a professional land surveyor.

10 (7) The application fee for ~~registration~~ licensure as both a professional engineer and professional
 11 land surveyor is as prescribed by the board for those holding engineer intern and land surveyor intern
 12 certificates validated in Montana. For those holding valid engineer intern and land surveyor intern
 13 certificates from another jurisdiction, the application fee is as prescribed by the board. The fee must
 14 accompany the application. Upon approval of an application for ~~registration~~ licensure as a professional
 15 engineer and professional land surveyor, an additional fee equal to the existing renewal fee must be paid
 16 before the issuance of a ~~certificate~~ license.

17 (8) If the board denies the issuance of a ~~certificate of registration~~ license to any applicant, the
 18 initial fee deposited must be retained as an application fee."

19

20 **Section 56.** Section 37-67-304, MCA, is amended to read:

21 **"37-67-304. Local government not to impose fee or examination.** A ~~registration~~ or license fee or
 22 examination may not be imposed by a local government on a person ~~registered~~ licensed under this chapter
 23 to practice engineering or land surveying."

24

25 **Section 57.** Section 37-67-305, MCA, is amended to read:

26 **"37-67-305. General qualifications of applicants for ~~registration~~ licensure as professional engineer**
 27 **or certification as engineer intern.** To be eligible for admission to an examination for professional engineer
 28 or engineer intern, an applicant must be of good character and reputation. The applicant ~~must~~ shall submit
 29 five references with the application for ~~registration~~ licensure as a professional engineer. Three references
 30 must be from professional engineers with personal knowledge of the applicant's engineering experience.

1 In the case of an application for certification as an engineer intern, the applicant shall submit three
2 character references."

3

4 **Section 58.** Section 37-67-306, MCA, is amended to read:

5 **"37-67-306. Qualifications of applicant for ~~registration~~ licensure as professional engineer.** The
6 following is considered minimum evidence satisfactory to the board that the applicant is qualified for
7 ~~registration~~ licensure as a professional engineer:

8 (1) A graduate of an engineering or engineering technology curriculum of 4 years or more approved
9 by the board as being of satisfactory standing, with a specific record of an additional 4 years or more of
10 progressive experience on engineering projects under the direct supervision of a professional engineer,
11 unless exempt under 37-67-320(2), and who has passed examinations of a grade and character that
12 indicate to the board that the applicant may be competent to practice engineering, must be admitted to
13 an 8-hour written examination in the fundamentals of engineering and an 8-hour written examination in
14 the principles and practices of engineering. Upon passing the examinations, the applicant must be granted
15 a ~~certificate of registration~~ license to practice engineering in this state if the applicant is otherwise
16 qualified.

17 (2) A graduate of a related science curriculum of 4 years or more, other than engineering or
18 engineering technology, with a specific record of 8 years or more of progressive experience on engineering
19 projects of a grade and character that indicate to the board that the applicant may be competent to
20 practice engineering, may be admitted to an 8-hour written examination in the fundamentals of engineering
21 and an 8-hour written examination in the principles and practices of engineering. Upon passing the
22 examinations, the applicant must be granted a ~~certificate of registration~~ license to practice engineering in
23 this state if the applicant is otherwise qualified.

24 (3) A graduate of an engineering or related science curriculum of 4 years or more, with a specific
25 record of 20 years or more of progressive experience on engineering projects, of which at least 10 of
26 those years have the applicant has been in charge of important engineering projects, of a grade and
27 character that indicate to the board that the applicant may be competent to practice engineering, must be
28 admitted to an 8-hour written examination in the principles and practices of engineering. Upon passing the
29 examination, the applicant must be granted a ~~certificate of registration~~ license to practice engineering in
30 this state if the applicant is otherwise qualified.

1 (4) Teaching engineering in a college or university offering an approved engineering curriculum of
 2 4 years or more may be considered as engineering experience in these requirements if research, product
 3 development, or consulting has been a concurrent activity.

4 (5) A person who holds a doctorate degree in engineering from an institution with an engineering
 5 program approved by the board and the engineering accreditation commission of the accreditation board
 6 for engineering and technology or the Canadian engineering accreditation board and who provides a
 7 specific record of at least 4 years of progressive experience on engineering projects of a grade and
 8 character that indicate to the board that the applicant may be competent to practice engineering must be
 9 admitted to an 8-hour written examination in the principles and practices of engineering. Upon passing the
 10 examination, the applicant must be issued a ~~certificate of registration~~ license to practice engineering in this
 11 state if the applicant is otherwise qualified."

12

13 **Section 59.** Section 37-67-308, MCA, is amended to read:

14 **"37-67-308. General qualifications of applicants for ~~registration licensure~~ as professional land**
 15 **surveyor or certification as land surveyor intern.** (1) To be eligible for admission to an examination for
 16 professional land surveyor or land surveyor intern, an applicant must be of good character and reputation.
 17 The applicant shall submit five references with the application for ~~registration licensure~~ as a professional
 18 land surveyor. Three of the references must be from professional land surveyors having personal
 19 knowledge of the applicant's land surveying experience. In the case of an application for certification as
 20 a land surveyor intern, the applicant shall submit three references, one of ~~whom~~ which must be from a
 21 professional land surveyor having personal knowledge of the applicant's land surveying experience.

22 (2) The evaluation of a land surveyor applicant's qualifications involves a consideration of the
 23 applicant's education, technical and land surveying experience, exhibits of land surveying projects ~~which~~
 24 that the applicant has been in charge of, recommendations by references, and a ~~reviewing~~ review of these
 25 categories. The board may require an interview if it considers one necessary."

26

27 **Section 60.** Section 37-67-309, MCA, is amended to read:

28 **"37-67-309. Qualifications of applicant for ~~registration licensure~~ as professional land surveyor.**
 29 One of the following ~~shall~~ must be considered as minimum evidence to the board that the applicant is
 30 qualified for ~~registration licensure~~ as a professional land surveyor:

1 (1) ~~have~~ The applicant has a bachelor of science degree in a board-approved curriculum that ~~must~~
 2 ~~contain~~ includes a minimum of 40 quarter credit hours in surveying techniques, principles, and practices;
 3 ~~and present;~~ the applicant presents evidence satisfactory to the board that, in addition ~~thereto~~, ~~he~~ the
 4 applicant has had at least 4 years of combined office and field experience in land surveying, with a
 5 minimum of 3 years of progressive experience on land surveying projects under the direct supervision of
 6 a professional land surveyor; ~~and have~~ the applicant has passed the examinations ~~as~~ required by the
 7 board;

8 (2) ~~have~~ The applicant has 2 years of formal education in a board-approved curriculum above high
 9 school level, with at least 90 quarter credit hours that ~~must contain~~ include a minimum of 40 quarter credit
 10 hours in surveying techniques, principles, and practices, or equivalent semester hours passed, or the
 11 equivalent approved by the board, ~~and present;~~ the applicant presents evidence satisfactory to the board
 12 that, in addition ~~thereto~~, ~~he~~ the applicant has had at least 6 years of combined office and field experience
 13 in land surveying satisfactory to the board, with a minimum of 4 years of progressive experience on land
 14 surveying projects under the direct supervision of a professional land surveyor; ~~and have~~ the applicant has
 15 passed the examinations ~~as~~ required by the board;

16 (3) ~~have~~ The applicant has a bachelor of science degree in a board-approved curriculum and
 17 ~~present~~ presents evidence satisfactory to the board that, in addition ~~thereto~~, ~~he~~ the applicant has had at
 18 least 6 years of combined office and field experience in land surveying, with a minimum of 4 years of
 19 progressive experience on land surveying projects under the direct supervision of a professional land
 20 surveyor, and ~~have~~ the applicant has passed the examinations ~~as~~ required by the board; ~~or~~.

21 (4) ~~present~~ The applicant presents evidence satisfactory to the board that ~~he~~ the applicant has
 22 had at least 10 years of combined office and field experience in land surveying satisfactory to the board,
 23 with a minimum of 6 years of progressive experience on land surveying projects under the direct
 24 supervision of a professional land surveyor, and has passed the examinations ~~as~~ required by the board."

25

26 **Section 61.** Section 37-67-310, MCA, is amended to read:

27 **"37-67-310. Qualifications of applicant for ~~registration~~ certification as land surveyor intern.** To
 28 qualify for ~~registration~~ certification as a land surveyor intern, an applicant ~~must~~ shall present as evidence
 29 to the board at least one of the following:

30 (1) a bachelor of science degree in a board-approved curriculum that ~~must contain~~ includes a

1 minimum of 27 semester or 40 quarter credit hours in surveying techniques, principles, and practices and
 2 evidence of having passed the written examinations required by the board;

3 (2) at least 2 years of formal education in an approved curriculum that ~~must contain~~ includes a
 4 minimum of 27 semester or 40 quarter credit hours in surveying techniques, principles, and practices,
 5 above high school level, with at least 60 semester or 90 quarter credit hours or equivalent semester hours
 6 passed, or the equivalent approved by the board, and evidence of having passed the written examinations
 7 required by the board;

8 (3) a bachelor of science degree in a board-approved curriculum and evidence satisfactory to the
 9 board that, in addition, the applicant has had at least 2 years of combined office and field experience in
 10 land surveying, with a minimum of 1 year in charge of land surveying projects under the supervision of
 11 a professional land surveyor, and evidence of having passed the written examinations required by the
 12 board; or

13 (4) evidence satisfactory to the board that the applicant has had at least 6 years of combined
 14 office and field experience in land surveying, with a minimum of 4 years of experience in charge of land
 15 surveying projects, under the supervision of a professional land surveyor, and evidence of having passed
 16 the examinations required by the board."

17

18 **Section 62.** Section 37-67-311, MCA, is amended to read:

19 **"37-67-311. Examinations.** Examination requirements are as follows:

20 (1) The examinations must be held at times and places ~~as~~ that the board directs. The board shall
 21 determine the acceptable grade on examinations.

22 (2) Written examinations may be taken only after the applicant has met the other minimum
 23 requirements as ~~given~~ provided in 37-67-305 through 37-67-310 and has been approved by the board for
 24 admission to the examinations as follows:

25 (a) The examination on engineering fundamentals consists of an 8-hour examination ~~on the~~
 26 ~~fundamentals of engineering~~. Passing the examination qualifies the examinee for an engineer intern
 27 certificate if the examinee has met all other requirements for certification required by this chapter.

28 (b) The examination on principles and practice of engineering consists of an 8-hour examination
 29 on applied engineering. Passing this examination qualifies the examinee for ~~registration~~ licensure as a
 30 professional engineer if the examinee has met the other requirements for ~~registration~~ licensure required by

1 this chapter.

2 (c) The examinations for land surveyor intern consist of two 4-hour examinations, designated as
3 parts I and II, on the basic disciplines of land surveying. Passing these examinations qualifies the examinee
4 for a land surveyor intern certificate if the examinee has met all other requirements for ~~certificates~~
5 certification required by this chapter.

6 (d) The requirements and examinations for professional land surveyor consist of being a land
7 surveyor intern, ~~of~~ two examinations, designated as parts III and IV, on the applied disciplines of land
8 surveying, and ~~of~~ an examination specifically related to land surveying in Montana. Passing these
9 examinations qualifies the examinee for ~~registration~~ licensure as a professional land surveyor if the
10 examinee has met the other requirements for ~~registration~~ licensure required by this chapter.

11 (3) A candidate failing one examination may apply for reexamination, which may be granted upon
12 payment of a fee established by the board. Before readmission to the examination in the event of a second
13 failure, the examinee ~~must~~ shall wait 1 year before a third examination.

14 (4) A candidate failing three examinations may not be allowed readmission to the examination.
15 The candidate may apply for a special circumstance waiver from the board to be readmitted to the
16 examination."

17

18 **Section 63.** Section 37-67-312, MCA, is amended to read:

19 **"37-67-312. Licensure of professional engineers without examination by comity or endorsement.**

20 (1) A person holding a certificate of registration to engage in the practice of engineering issued to the
21 person by a proper authority of a state, territory, or possession of the United States, the District of
22 Columbia, or any foreign country, based on requirements that do not conflict with the provisions of this
23 chapter and that were of a standard not lower than that specified in the applicable registration act in effect
24 in this state at the time the certificate was issued, ~~may~~ may upon application be ~~registered~~ licensed without
25 further examination.

26 (2) A person holding a certificate of qualification issued by the committee on national engineering
27 certification of the national council of examiners for engineering and surveying and whose qualifications
28 meet the requirements of this chapter may upon application be ~~registered~~ licensed without further
29 examination."

30

1 **Section 64.** Section 37-67-314, MCA, is amended to read:

2 "**37-67-314. Issuance of ~~certificates~~ licenses -- seal of professional engineer or professional land**
3 **surveyor -- enrollment card for interns.** (1) The department shall issue to ~~any~~ an applicant who, in the
4 opinion of the board, has met the requirements of this chapter a ~~certificate of registration~~ license giving
5 the ~~registrant~~ licensee proper authority to engage in the practice of engineering or the practice of land
6 surveying and to assume responsible charge of engineering or land surveying projects in this state. The
7 ~~certificate of registration~~ license for a professional engineer must carry the designation "professional
8 engineer" and for a professional land surveyor, "professional land surveyor". It must give the full name and
9 serial number of the ~~registrant~~ licensee and must be signed by the presiding officer and the secretary under
10 the seal of the board.

11 (2) ~~This certificate~~ A license is prima facie evidence that the named person is entitled to all rights,
12 privileges, and responsibilities of a professional engineer or professional land surveyor while the ~~certificate~~
13 ~~of registration~~ license remains unrevoked or unexpired.

14 (3) Each ~~registrant~~ licensee may, upon ~~registration~~ licensure, obtain a seal of a design authorized
15 by the board, bearing the ~~registrant's~~ licensee's name, serial number, and the legend "professional
16 engineer" or "professional land surveyor". Plans, specifications, plats, drawings, reports, design
17 information, and calculations prepared by a ~~registrant~~ licensee must ~~when issued~~ be signed with a written
18 signature, dated, and stamped with the seal or a seal facsimile when issued. ~~† After the expiration of a~~
19 license, it is unlawful for a ~~registrant~~ the licensee whose license has lapsed to affix or permit the seal and
20 signature or seal facsimile to be affixed to any:

21 (a) plans, specifications, plats, drawings, reports, design information, or calculations; or

22 (b) projects for which the licensee was not in responsible charge after the expiration of a
23 certificate or for projects for which the registrant was not in responsible charge.

24 (4) The department shall issue to any applicant who, in the opinion of the board, has met the
25 requirements of this chapter an enrollment card as an engineer intern or land surveyor intern. The
26 enrollment card must indicate that the applicant's name and status has been recorded with the board. The
27 enrollment card does not authorize the holder to practice as a professional engineer or professional land
28 surveyor."

29

30 **Section 65.** Section 37-67-315, MCA, is amended to read:

1 **"37-67-315. Biennial renewal -- fee -- statement of competency.** (1) ~~Certificates of registration~~
 2 Licenses expire every second year on the date established by rule of the department and become invalid
 3 on that date unless renewed. The department shall notify each person ~~registered~~ licensed under this
 4 chapter of the date of the expiration of the person's ~~certificate~~ license and the amount of the fee required
 5 for its renewal for 2 years. This notice must be mailed at least 1 month in advance of the date of the
 6 expiration of the ~~certificate~~ license. Renewal may be made prior to the expiration date by the payment of
 7 a fee as set by the board for either a professional engineer or a professional land surveyor. For renewal
 8 of a dual license as both a professional engineer and a professional land surveyor, the fee must be set by
 9 the board.

10 (2) A ~~certificate~~ license may not be renewed unless the registrant submits a statement to the
 11 effect and the board is satisfied that the ~~registrant~~ licensee has maintained competency by:

12 (a) the continued practice of engineering or land surveying; and

13 (b) engaging in other activities that provide for the maintenance of competency if prescribed by
 14 board rule, such as continuing education, which may require up to 15 professional development hours as
 15 prescribed by board rule and is generally patterned after the model rules of the national council of
 16 examiners for engineering and surveying.

17 (3) Failure on the part of a ~~registrant~~ licensee to renew the ~~certificate~~ license biennially prior to
 18 the expiration date does not deprive the ~~registrant~~ licensee of the right of renewal; however, a ~~registrant~~
 19 licensee who fails to pay the renewal fee for an additional year of the biennium is considered a new
 20 applicant and is required to submit a new application.

21 (4) The fee for any ~~registrant~~ licensee who fails to renew the ~~certificate~~ license prior to the
 22 expiration date must be increased by an amount not to exceed 50% of the renewal fee. Renewal may not
 23 be completed until all fees are paid."

24

25 **Section 66.** Section 37-67-316, MCA, is amended to read:

26 **"37-67-316. Replacement of lost or destroyed certificate or license.** A new certificate ~~of~~
 27 ~~registration~~ or license to replace a certificate or license revoked, lost, destroyed, or mutilated may be
 28 issued by the department, subject to the rules of the board."

29

30 **Section 67.** Section 37-67-318, MCA, is amended to read:

1 **"37-67-318. Roster of licensees to be published by department.** A roster showing the names and
 2 addresses of ~~registered~~ licensed professional engineers and ~~registered~~ licensed professional land surveyors
 3 ~~shall~~ must be published by the department. Copies ~~shall~~ must be placed on file with the secretary of state;
 4 and the clerk of each incorporated city and town; and in the office of each county clerk and recorder
 5 within the state and furnished to each person ~~registered~~ licensed and to the public, on request, at a fee
 6 established by the board."

7

8 **Section 68.** Section 37-67-320, MCA, is amended to read:

9 **"37-67-320. Firms Sole proprietorships, firms, partnerships, and corporations -- requirements --**
 10 **exceptions.** (1) A sole proprietorship, firm, partnership, or corporation:

11 (a) may engage in the practice of engineering in this state if the sole proprietor or any member of
 12 the firm, partnership, or corporation who is in responsible charge of engineering or land surveying work
 13 performed in this state is a professional engineer or a professional land surveyor, as appropriate;

14 (b) must have a professional engineer or professional land surveyor in residence who is in
 15 responsible charge of the engineering or land surveying work conducted in the office or place of business
 16 if the sole proprietorship, firm, partnership, or corporation is engaged in the practice of engineering or the
 17 practice of land surveying; and

18 (c) shall obtain a certificate of authorization from the board before engaging in the practice of
 19 engineering or the practice of land surveying.

20 (2) The provisions of subsection (1) do not apply to sole proprietorships, firms, partnerships, or
 21 corporations that are engaged in the practice of engineering or the practice of land surveying for their own
 22 benefit and do not practice or offer engineering or land surveying services to others."

23

24 **Section 69.** Section 37-67-321, MCA, is amended to read:

25 **"37-67-321. Emeritus status.** (1) A ~~registrant~~ licensee who ~~has terminated his practice of~~ no
 26 longer practices engineering or land surveying may apply to the board for emeritus status.

27 (2) Upon receiving an application for emeritus status accompanied by the fee established by the
 28 board, the board shall issue a ~~certificate~~ license of emeritus status to the applicant and record the
 29 applicant's name in the roster as an emeritus ~~registrant~~ licensee, along with the date ~~he~~ on which the
 30 licensee received emeritus status.

1 (3) An emeritus ~~registrant~~ licensee may retain but may not use ~~his~~ the licensee's seal and may not
2 practice engineering or land surveying.

3 (4) The board shall reissue a ~~certificate of registration~~ license to an emeritus ~~registrant~~ licensee
4 who pays all application fees, meets all current requirements for ~~registration licensure~~, and demonstrates
5 to the board's satisfaction that for the 2 years preceding ~~his~~ the application for ~~registration he~~ licensure,
6 the applicant has met the requirements for maintaining professional competence established under
7 37-67-315."

8

9 **Section 70.** Section 37-67-331, MCA, is amended to read:

10 **"37-67-331. Revocation, suspension, or refusal to renew certificate license -- grounds -- procedure**
11 **-- reinstatement.** (1) The board may reprimand a licensee or revoke, suspend, or refuse to renew the
12 certificate license of a ~~registrant~~ licensee found responsible for:

13 (a) fraud or deceit in obtaining a ~~certificate of registration~~ license;

14 (b) gross negligence, incompetency, or misconduct in the practice of engineering or land surveying
15 as a ~~registered licensed~~ professional engineer or professional land surveyor;

16 (c) a felony;

17 (d) a violation of rules for professional conduct for professional engineers and professional land
18 surveyors adopted by the board;

19 (e) failing to comply with the Corner Recordation Act if the person is a professional land surveyor.

20 (2) Any person may make charges of fraud, deceit, gross negligence, incompetency, or
21 misconduct against a ~~registrant~~ licensee. The charges must be made by affidavit, subscribed and sworn
22 to by the person making them, and filed with the department. The charges must be investigated by the
23 board. For purposes of investigation under this section, the board may require that a ~~registrant~~ licensee
24 meet with the board.

25 (3) The board may require a ~~registrant~~ licensee to take a written or oral examination, or both, in
26 a proceeding to reprimand the licensee or to revoke, suspend, or refuse to renew the ~~certificate of~~
27 ~~registration~~ license.

28 (4) If, after a hearing, five or more members of the board vote in favor of sustaining the charges,
29 the board shall reprimand; the licensee or suspend, refuse to renew, or revoke the ~~certificate of registration~~
30 license of the ~~registered licensed~~ professional engineer or professional land surveyor.

1 (5) The board, for reasons it considers sufficient, may reissue a ~~certificate of registration~~ license
 2 to a person whose ~~certificate~~ license has been revoked if five or more members of the board vote in favor
 3 of the reissuance."

4

5 **Section 71.** Section 37-67-332, MCA, is amended to read:

6 "**37-67-332. Violations -- penalties -- enforcement.** (1) (a) A person commits a criminal offense
 7 if the person knowingly:

8 (i) practices or offers to practice engineering or land surveying in this state without being
 9 ~~registered~~ licensed under this chapter;

10 (ii) presents or attempts to use the ~~certificate of registration~~ license or the seal of another person;

11 (iii) gives false or forged evidence to the board or department in obtaining a ~~certificate of~~
 12 ~~registration~~ license;

13 (iv) impersonates another ~~registrant~~ licensee;

14 (v) attempts to use an expired, revoked, or emeritus ~~certificate of registration~~ license; or

15 (vi) violates a provision of this chapter.

16 (b) A person convicted under subsection (1)(a) shall ~~on conviction~~ be fined an amount of not less
 17 than \$100 or more than \$500 or be incarcerated in the county jail for a period not exceeding 3 months,
 18 or both.

19 (2) All officers of the law of this state or one of its political subdivisions shall enforce this chapter
 20 and prosecute persons violating it. The attorney general shall act as legal adviser of the board and render
 21 legal assistance necessary in carrying out this chapter.

22 (3) The board may apply to the appropriate court for an injunction against a person found by the
 23 board to have practiced or attempted or offered to practice engineering or land surveying in this state
 24 without a valid ~~certificate of registration~~ license.

25 (4) If a person violates an injunction against practice without a valid ~~certificate of registration~~
 26 license, the court may impose a fine in an amount not to exceed \$25,000."

27

28 **Section 72.** Section 37-68-201, MCA, is amended to read:

29 "**37-68-201. Organization -- meetings -- ~~quorum~~ -- rulemaking power -- seal.** (1) Each July, the
 30 board shall elect from its membership a president, vice president, and secretary-treasurer.

- 1 (2) The board shall meet quarterly and at other times it considers necessary.
- 2 ~~(3) A majority of the members of the board shall constitute a quorum for transaction of business.~~
- 3 ~~(4)~~(3) The board may:
- 4 (a) adopt rules for the administration of this chapter, for the licensing of electrical contractors, and
- 5 for the examination and licensing of master and journeymen electricians;
- 6 (b) adopt a seal;
- 7 (c) cause the prosecution and enjoinder of persons violating this chapter."

8

9 **Section 73.** Section 37-69-201, MCA, is amended to read:

10 "**37-69-201. Chairman -- quorum Presiding officer.** ~~(1)~~ The board shall annually select a ~~chairman~~

11 presiding officer from its members.

12 ~~(2) A majority of the board constitutes a quorum."~~

13

14 **Section 74.** Section 70-22-103, MCA, is amended to read:

15 "**70-22-103. Definitions.** Except ~~where~~ when the context indicates a different meaning, terms

16 used in this part ~~shall~~ must be defined as follows:

17 (1) An "accessory to a corner" ~~is~~ means any exclusively identifiable physical object whose spatial

18 relationship to the corner is recorded. Accessories may be bearing trees, bearing objects, monuments,

19 reference monuments, line trees, pits, mounds, charcoal-filled bottles, steel or wooden stakes, or other

20 objects.

21 (2) The "board" ~~is~~ means the board of professional engineers and professional land surveyors;

22 provided for in 2-15-1873.

23 (3) A "corner", unless otherwise qualified, means a property corner or a property controlling corner

24 or a public land survey corner or any combination of these.

25 (4) A "monument" ~~is~~ means an accessory that is presumed to occupy the exact position of a

26 corner.

27 (5) A "property controlling corner" for a property ~~is~~ means a public land survey corner or any

28 property corner ~~which~~ that does not lie on a property line of the property in question but ~~which~~ that

29 controls the location of one or more of the property corners of the property in question.

30 (6) A "property corner" ~~is~~ means a geographic point on the surface of the earth and is on, is a part

1 of, and controls a property line.

2 (7) A "public land survey corner" ~~is~~ means any corner actually established and monumented in an
3 original survey or resurvey used as a basis of legal description for issuing a patent for the land to a private
4 person from the United States government.

5 (8) A "reference monument" ~~is~~ means a special monument that does not occupy the same
6 geographical position as the corner itself but whose spatial relationship to the corner is recorded and ~~which~~
7 that serves to witness the corner.

8 (9) A "~~registered~~ surveyor" ~~is~~ means a ~~surveyor~~ person who is ~~registered~~ licensed to practice land
9 surveying under Title 37, chapter 67, and has a paid-up license for that calendar year or who is authorized
10 under Title 37, chapter 67, to practice land surveying."

11

12 NEW SECTION. Section 75. Repealer. Sections 10-1-605, 37-2-111, and 37-66-305, MCA, are
13 repealed.

14

15 NEW SECTION. Section 76. Codification instruction. (1) [Section 7] is intended to be codified
16 as an integral part of Title 37, chapter 1, part 3, and the provisions of Title 37, chapter 1, part 3, apply
17 to [section 7].

18 (2) [Section ~~36~~ 39] is intended to be codified as an integral part of Title 37, chapter 54, part 2,
19 and the provisions of Title 37, chapter 54, part 2, apply to [section ~~36~~ 39].

20 (3) [Section ~~42~~ 45] is intended to be codified as an integral part of Title 37, chapter 65, part 3,
21 and the provisions of Title 37, chapter 65, part 3, apply to [section ~~42~~ 45].

22

23 NEW SECTION. Section 77. Effective dates. (1) [Sections ~~8~~ 11, ~~71-72~~ 75, and ~~72-73~~ 76 and
24 this section] are effective on passage and approval.

25 (2) [Sections 1 through 7 ~~and~~, ~~9~~ 12 through ~~70-44~~ 47, AND ~~46~~ 49 THROUGH ~~71~~ 74] are effective
26 October 1, 2001.

27 (3) [SECTION ~~45~~ 48] IS EFFECTIVE OCTOBER 1, 2005.

28

29 NEW SECTION. SECTION 78. TERMINATION. [SECTION ~~44~~ 47] TERMINATES SEPTEMBER 30, 2005.

30

- END -